



WEB COPY



Crl.O.P.(MD)No.21591 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21591 of 2024

M.Mohideen Batcha

... Petitioner / A2

Vs.

1.State Represented by
The Sub-Inspector of Police
S.S.Colony Police Station,
Madurai District.
(Crime No.1794 of 2023)

... Respondent / Complainant

2.Bheema Bi

... Respondent / Defacto
Complainant

3.R.Nazeer Khan

... Respondent / Victim

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records of the impugned FIR in Crime NO.1794 of 2023 on the file of the Respondent Police and quash the same as illegal.

For Petitioner : Mr.SMA Jinnah

For R1 : Mr.K.Sanjai Gandhi
Govt. Advocate(Crl.Side)

For R2 & R3 : Ms.S.Shamini



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ORDER

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2. The case of the prosecution is that the Defacto Complainant viz., Bheemabi W/o Kadar Hussain, is residing along with her family members. On 01.12.2023 at about 10.00 p.m., The Victim / R3 when sitting in his house entrance, at that time, Accused Nos.1 and 2 came there, used filthy and abusive language and slapped him on his cheek and attacked him with wooden log on the face and head. The defacto complainant tried to stop the attack, but they pushed her on the ground. Further, Shahbanu w/o Nazeer Khan, Shamrahim Khan and Thaslima Nasrin came to stop the assault on the Victim /R3, from the accused. The Accused No.1 and 2 threatened to kill Respondent No.2 and 3 and ran away from the scene of occurrence. The Defacto complainant lodged a complaint before the Respondent No.1 and a case has been registered by the Respondent Police in the Crime No. 1794 of 2023 for the alleged offence U/s.



294(b), 323, 324, 506(11) IPC., and Section 4 of TNPHW Act against the Accused. On the basis of the complaint given by the defacto complainant, the above case has been registered.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.1794 of 2023, dated 03.12.2023, for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC., and Section 4 of the Prohibition of Harassment of Women Act, 2002, against the petitioner. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise, dated 22.01.2024, has been filed before this Court, which has been signed by the petitioner, 2nd Respondent / Defacto Complainant and the 3rd Respondent / Victim and also by their respective counsels. The petitioner and the second respondent were also present in person before this Court and they were identified by the Respondent Police as well as their respective counsels for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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5. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint eventhough , the offences involved are not compoundable in nature. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration. In the light of the guidelines issued in the above said Judgments of the Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.1794 of 2023, pending before the first respondent Police.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1794 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

24.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
SMN2 / mpk



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To

1. The Sub-Inspector of Police
S.S.Colony Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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