

Crl.O.P.(MD)Nos.22339 and 21067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)Nos.22339 and 21067 of 2024

M.Aandichami @ Aandikalai

...Petitioner in Crl.O.P.(MD)No.

22339 of 2024

R.Ramachandran

...Petitioner in Crl.O.P.(MD)No.

21067 of 2024

-Vs-

**1.The State of Tamil Nadu,
Rep by The Inspector of Police,
Othakadai Police Station,
Madurai District,
(Crime No.463 of 2016)**

2.Thennarasu

... Respondents in both petitions

COMMON PRAYER: Criminal Original Petitions - filed under Section 528 of Bharatiya Nagarik Shuraksha Sanhita, to call for the records pertaining to the First Information Report in Crime No.463 of 2016 on the file of the first respondent and quash the same as against the petitioners/accused No.1 and 2.

In both petitions:

For Petitioner

: Ms.B.Deepa

For R1

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)

For R2

: Mr.P.Manikandan



COMMON ORDER

The Criminal Original Petitions have been filed to quash the First Information Report in Crime No.463 of 2016 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner in both petitions and the defacto complainant are neighbors. There arose a quarrel with regard to the barking of dog of the defacto complainant. Hence, the complaint has been lodged.

3. The learned counsel appearing for the petitioner in both petitions 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.463 of 2016, dated 29.08.2016 for the offences under Sections 294(b) and 324 of IPC.

4. 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.

5. Joint Memo of Compromise, dated 02.01.2025, have been filed before this Court, which have been signed by the petitioner in both



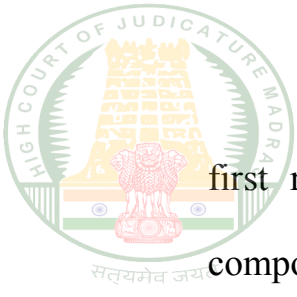
petitions and the second respondent and also by their respective counsel.

The petitioner in both petitions and the second respondent were also present in person before this Court and they were identified by Mr.I.Rajarajan, SSI of Police, Othakadai Police Station, Madurai District as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the petitioner in both the cases and the defacto complainant are neighbors and they compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

7. 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.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.463 of 2016, pending before the



first respondent Police, even though, the offences involved are not compoundable in nature.

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9. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime No.463 of 2016, on the file of the first respondent Police, is quashed and the terms of joint compromise memos dated 02.01.2025, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

06.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The The Inspector of Police,
Othakadai 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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