



Crl.O.P.(MD) No.17411 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	29.10.2025
Pronounced on	04.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17411 of 2025

Muniyasamy

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.
(Crime No.194 of 2016)

2.Late S.Anburaj

3.Sabarinadhan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the FIR in Crime No.194 of 2016 on the file of the first respondent police and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.S.S.Sundara Pandian

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

For R3 : Mr.S.Sanakkiyan



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.194 of 2016 on the file of the first respondent police, registered against the petitioner/A1 and others for the offences punishable under Sections 294(b) and 307 of the Indian Penal Code, 1860.

2. The second respondent/defacto complainant, who is no more, and the third respondent/victim are brothers. The second respondent and the third respondent are the cousin brothers of the petitioner. The allegation in the FIR is that the third respondent herein had an illicit affair with the petitioner's wife; and that, enraged by the said conduct, the petitioner, his mother, and others attacked the third respondent herein with a knife and caused stab injuries.

3. The learned counsel for the petitioner submitted that the parties have entered into a compromise. He further submitted that, even though the offence under Section 307 IPC has been alleged against the petitioner, considering the nature of the relationship between the parties, the motive for the alleged occurrence, and the fact that the victim/third respondent



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himself does not wish to pursue the case, the impugned FIR may be quashed. He also submitted that the second respondent/defacto complainant, who had lodged the complaint and was an eyewitness, is no more; that the second respondent/defacto complainant is not the injured person; and that the victim, the third respondent herein, who is the injured person, has signed the joint memo of compromise dated 07.10.2024. The memo of compromise reads as follows:

IN THE HIGH COURT OF JUDICATURE MADRAS AT
MADURAI BENCH
(Criminal Jurisdiction)

Crl.O.P.(MD).No. 17411 of 2025
-In -
Crime.No.194 of 2016
(On the file of Respondent Police Station, Ramanathapuram)

1. Muniyasamy (37/25),
S/o. Nagarajan,
No.99, Kooriyur,
Achunthanvayal,
Ramanathapuram District. ... Petitioners /Accused No. 1

- Vs -

1. The State Of Tamilnadu Rep.by
The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District,
[Crime No. 194/2016] ... Respondent / Complainant

2. Anbaraj (20/24),
S/o. Selvaraj,
No.3/113, Achunthanvayal,
Ramanathapuram District. ... Respondent No.2/De-facto Complainant/Deceased

3. Sabarinadhan(43/25),
S/o. Selvaraj,
No.3/113, Achunthanvayal,
Ramanathapuram District. ... Respondent No.3/Victim

JOINT COMPROMISE MEMO

It is submitted that both the parties hereby enter into a compromise and agree on the following terms.

1. It is respectfully submitted that the Petitioner/ Accused No.1 have filed the instant Criminal Original Petition praying this Hon'ble Court to quash the

S. Anbaraj

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criminal case in Crime No.194 of 2016 on the file of the Respondent police, Ramanathapuram District.

2. It is respectfully submit that the Respondent No.1 registered a criminal case against the Petitioners/ Accused in Crime No. 194/2016 Offence U/s. 294(B) and 307 of IPC. That the Respondent No.2/ De-facto Complainant gave a complaint against the Petitioners /Accused and 3 others that the case was registered on 29.04.2016 in 1st Respondent Police Station, Ramanathapuram District.
3. That the Petitioner /Accused No.1 at this stage decided to settle the issue amicably and the Respondent No.3 has also agreed for the same. The Victim/ the Respondent No.3 and the Petitioner/Accused are same area and the compromise alone would be only means of securing peace and relationship in the society and thus the Compromise Memo is prepared and signed by both the parties.
4. It is respectfully submits that the Petitioner/Accused at this stage decided to settle the issue amicably and the Respondent No.3 has also agreed for the same and compromise alone would be only means of securing peace and relationship in the village and thus the Compromise Memo is prepared and signed by both the parties. All the above in this case that the Co-Accused No.2 namely Kannan was passed away on 20.02.2022 and another 2 other accused Mangammal and Nagaraj name is removed by filing the alteration report of the respondent police Ramanathapuram.
5. That the Respondent No.2 and the Petitioner/Accused have amicably settled the issue and thus the Compromise Memo is prepared and signed by both the parties.

S. Subashini

M. Manoj

Therefore it is prayed this Honble Court may be pleased to call for the records relating to the Crime No.194 of 2016 on the file of the 1st Respondent, Ramanathapuram Town Police Station and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition and thus render justice.

Dated at Madurai this the 07th day of October 2024.

S. Subashini

Respondent No.3/Victim

M. Manoj

Petitioners/ Accused No.1

S. Subashini
(2024)

Counsel for the Respondent No.3

S. S. Subashini
(2024)

Counsel for the Petitioner/ Accused No.1



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WEB COPY 4. The petitioner, namely, Muniyasamy [Aadhaar No.6158 2469 2553], and the third respondent/victim, namely, Sabarinathan [Aadhaar No. 5433 3637 1627], appeared before this Court in person on 29.10.2025, when the case was reserved for orders. Admittedly, the second respondent/defacto complainant, who is none other than the brother of the third respondent/victim, is no more. The parties were identified by Mr.R.Muniyandi, Sub-Inspector of Police, Ramanathapuram Town Police Station, Ramanathapuram. All the parties have confirmed the compromise arrived at between them. The third respondent/victim has confirmed the compromise and stated that he does not wish to pursue the case against all the accused.

5. The Hon'ble Supreme Court has held in several cases that an offence under Section 307 of the IPC cannot ordinarily be quashed on the basis of a compromise arrived at between the parties, as it is a heinous crime. The Hon'ble Supreme Court has held that in exceptional circumstances, the inherent powers of the High Courts can be invoked to quash the proceedings considering the facts and circumstances of each case. This Court has also to determine whether it would be unfair or



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contrary to the interests of justice to continue the criminal proceedings,
and whether the possibility of conviction is remote and bleak.

6. In the present case, the parties are closely related to each other. The motive for the alleged occurrence is that the third respondent/victim had an affair with the petitioner's wife. The occurrence appears to have taken place in a fight. Though the victim has suffered stab injuries, the intention of the petitioner to commit murder cannot be inferred.

7. Under these circumstances, this Court is of the view that no useful purpose would be served by keeping the First Information Report (FIR) pending investigation, and accordingly accepts the compromise. The impugned First Information Report (FIR) in Crime No.194 of 2016 on the file of the first respondent police is hereby quashed. The petitioner shall pay a sum of Rs.20,000/- as costs to the District Legal Services Authority, Ramanathapuram District, and file a photocopy of the receipt along with a memo reporting compliance before the Registry.



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8. Hence, this Criminal Original Petition stands allowed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non Speaking Order

Copy To:

- 1.The Director,
The District Legal Service Authority,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

JEN

Pre-Delivery Order made
in
Crl.O.P.(MD) No.17411 of 2025

04.11.2025