



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.22409 of 2024

1.Manikandan

2.Gowthaman

... Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep by The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
Crime No.52 of 2017

2.Rajan @ Edward Dominic Rajan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to the
impugned First Information Report in Crime No.52 of 2017 on the file of
the first respondent police and quash the same.

For Petitioners	: Mr.C.Senthil Murugan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.R.Shenbagaraj

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.52 of 2017 on the file of the first
respondent Police.

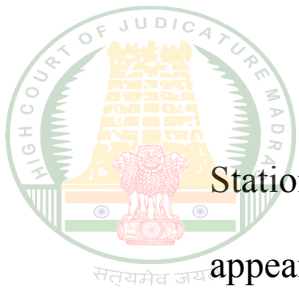


2. The case of the prosecution is that during church festival, the petitioners are said to have damaged the tube lights erected for the festival and when the second respondent questioned the same, the petitioners are said to have abused the second respondent with filthy language.

3. The learned counsel appearing for the petitioners 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.52 of 2017 for the offences under Sections 294(b) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

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. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.R.Kalyanasundaram, SSI of Police, Anjugramam Police



Station, Kanyakumari 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 petitioners are said to have damaged the tube lights and the petitioners have paid compensation for the same. Now the parties have 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.52 of 2017, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.52 of 2017, 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. In view of the same, the consequential proceedings relating to the case in Crime No.52 of 2017 is also closed.

08.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Anjugramam Police Station,
Kanyakumari 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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