



Crl.O.P.(MD)No.22606 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22606 of 2024

1.Sekar
2.Saran

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep., by the Inspector of Police,
Manapparai Police Station,
Trichy.
Crime No.623 of 2023

2.Paulin Hebzipa
3.Paul Duraisingh Ebinasher

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the case registered in First
Information Report in Crime No.623 of 2023 on the file of the first
respondent police and quash the same as illegal.

For Petitioners	: Ms.T.Lavanya
For R1	: Mr.K.Sanjai Gandhi Government Advocate(Crl.Side)
For R2	: Mr.A.Ajith Prakash



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.623 of 2023 on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent/defacto complainant lodged a complaint stating that the third respondent was kidnapped by the petitioners and other accused persons using Maruti Swift Dezire Car bearing Registration No.PY 05 N 9097.

3. When the matter is taken up for hearing today, 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.623 of 2023, dated 11.12.2023 for the offences under Sections 364(A) and 506(2) of IPC against the petitioners.

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.



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WEB COPY 5. A Joint Memo of Compromise, dated 31.12.2024, 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.V.Dinesh, SI of Police, Manaparai Police Station, as well as by the learned counsels 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, where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 364(A) and 506(2) of IPC.

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.



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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.623 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.623 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 31.12.2024, shall form part and parcel of this order.

09.01.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Inspector of Police,
Manapparai Police Station,
Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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