



Crl.O.P.(MD)No.22602 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.22602 of 2024

1. Arunraj
2. Sagayaraj

... Petitioners

Vs.

1. The Inspector of Police
Palakkarai Police Station
Trichy City

2. Gopinath

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the First Information Report in Crime No. 861 of 2017 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Ms.J.Kalyani

For R1 : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side) \

For R2 : Mr.D.Venkatesh



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No. 861 of 2017 on the file of the first respondent police

2. The case of the prosecution is that on 01.10.2017 at about 8.00 pm., when the second respondent was drinking tea in the tea shop near Motcharakini Matha Kovil there was a wordy quarrel between the petitioners and the defacto complainant, hence complaint was given.

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.861 of 2017, for the offences under Sections 294(b) and 323 of IPC against the petitioners.



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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, dated 04.02.2025, 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 the respondent police, 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, 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 for the offences under Sections 294(b) and 323 of IPC.



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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.861 of 2017, 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. 861 of 2017 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 04.02.2025 shall form part and parcel of this order.

04.02.2025

NCC : Yes / No
Index : Yes / No
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1. The Inspector of Police
Palakkarai Police Station
Trichy City
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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