



Crl.O.P.(MD)No.22804 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22804 of 2024

Anandh

... Petitioner

Vs.

1.The State of Tamil nadu,
rep., by The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No.15 of 2016

2.Sathiyamoorthy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the impugned FIR in Crime No.15 of
2016 on the file of the first respondent police and quash the same as far
as this petition is concerned.

For Petitioner : Mr.C.Senthil Murugan

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

For R2 : Mr.Shenbagaraj



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ORDER

The petitioner/A1 in Crime No.15 of 2016 for the offence under Section 147 of IPC and Section 3 of TNPPDL Act had filed a quash application.

2.The defacto complainant and the petitioner studied in the same school, at that time, there was a wordy quarrel between them. The petitioner had warned the defacto complainant that he will see the defacto complainant on the date of issuing the hall ticket on 07.01.2016. when the same was questioned by the defacto complainant, there was assault had taken place. Thereafter, the petitioner informed to the class teacher and the class teacher had warned the petitioner and the defacto complainant. Thereafter, on 08.01.2016, when the bike of defacto complainant's brother was parked near a bridge, at that time, the petitioner along with others damaged the bike and fled away from the scene of occurrence. Hence, case was registered.

3. The contention of the petitioner is that during the school days both the petitioner and the defacto complainant had a wordy quarrel and



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both are warned by class teacher. Thereafter, the petitioner had left as it is. There was no dispute. The alleged bike was damaged by some others and under wrong impression, the petitioner was implicated due to previous enmity. The petitioner after his completion of school, had joined college and later, finished his degree and now, he is trying for Government shop. Due to the pendency of the above case, he is unable to get any employment in the Government Public Sector. The petitioner for time being working as driver. Hence, seeks direction of this Court.

4. The learned counsel for the defacto complainant submitted that the fight had taken place during school days and case is of the year 2016 and hence, now, the defacto complainant is not inclined to proceed with against the petitioner as well as other two named accused, namely, Murugavel and Vengatesh. Hence, the case may be quashed.

5. 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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6. A Joint Memo of Compromise, dated 12.12.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.K.Karthikeyan, SSI of Police, Paramakudi TNPS, 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.

7. 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 Section 147 of IPC and Section 3 of TNPPDL Act.

8. 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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9. 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.15 of 2016, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.15 of 2016, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 12.12.2024, shall form part and parcel of this order.

23.01.2025

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 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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