



Crl.O.P.(MD)No.22584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD).No.22584 of 2024
and Crl.M.P(MD).No.14085 of 2024

1.Sivakumar
2.Maniyarasan
3.Kannan

... Petitioners

Vs.

1.The State through,
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

2.Muniyandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records connected with the impugned FIR in Crime No.26
of 2023 on the file of the first respondent and quash the same as illegal as
against the petitioners.

For Petitioners : Mr.R.Alagumani

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

For R2 : Mr.S.Mohammed Yunnis Raja



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.26 of 2023 on the file of the first respondent Police.

2. The case of the prosecution is that on 12.02.2023, the defacto complainant, his wife and son went for fishing in Vazhankulam Kanmaoi, at that time, the petitioners came there and quarreled with the defacto complainant and when the same was questioned, they had also abused, threatened and attacked him. Hence this present case.

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.26 of 2023, dated 12.02.2023 for the offences under Sections 294(b), 323, 506(2) and 379 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 14.12.2024, 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.K.Gnanasekaran, SSI of Police, Mamasapuram Police Station, Virudhunagar District, 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), 323, 506(2) and 379 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.26 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. At this juncture, the learned Government Advocate (crl.side) submitted that in this case investigation has been completed and charge sheet has also been filed, which is yet to be taken on file.

10. In view of the above, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.26 of 2023, on the file of the first respondent Police, is quashed. In view of the quashment of FIR, all further consequential proceedings in Crime No.26 of 2023 is



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also quashed. The terms of joint compromise memo dated 14.12.2024, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

06.01.2025

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar 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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