



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.22626 of 2024

1.Viswanathan

2.Manikandan

... Petitioners

Vs.

1.The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
(In Crime No.103/2022)

2.Balasubramanian

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 BNSS, to call for the records pertaining to FIR in Crime No.103 of 2022 U/s. 294(b), 324, 506(1) IPC on the file of the first respondent Police and quash the same as illegal as against the petitioners/accused.

For Petitioner : Mr.D.Balamurugapandi

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

For R2 : Mr.T.Venkatesan



ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.103 of 2022 on the file of the first respondent Police.

2.The case of the prosecution is that the petitioners and the defacto complainant are brothers and due to pathway dispute, the petitioners abused the defacto complainant in filthy language and also attacked him.

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.103 of 2022, dated 15.09.2022 for the offences under Sections 294(b), 324 and 506(1) IPC.

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 petitioner and the second respondent were also present in person before this Court and they were identified by Mr.S.Kumar, SSI of Police, Thangachimadam Police Station, Ramnad 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 parties are belonging to the same family and now they 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.103 of 2022, 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.103 of 2022, 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.

31.01.2025

Index : Yes/No

Internet : Yes/No

gns

To

1. The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

gns

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