



Crl.O.P.(MD)No.587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.587 of 2025

1. A.Peter

2. Parimalam

... Petitioners

Vs

1. State of Tamil Nadu : Inspector of Police,
CENTRAL Police Station,
Tuticorin District.
Crime No.293 of 2022.

2. Mageshwari

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records in Crime no.293 of 2022 on the file 1st Respondent
Police and Quash the same.

For Petitioner : M/s.KA.Raamakrishnan

For Respondents R1 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

For Respondents R2 : Mr.K.Kaleeswaran



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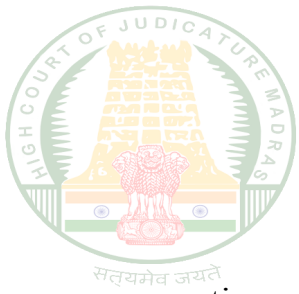
Crl.O.P.(MD)No.587 of 2025

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.293 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that there was a landlord and tenant dispute between the parties. On 31.10.2022 at about 10.00 p.m, when the defacto complainant went to the shop and found that roof was damaged and the petitioners, being the owners of the shop forced the defacto complainant to vacate the building. Due to which, there was a scuffle between the parties. Hence, the respondent Police has registered a case and case in counter.

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.293 of 2022, dated 31.10.2022 for the offences under Sections 427, 294(b), 352, 506(2), 109 IPC and Section 4 of TNPHWA Act against the petitioners.

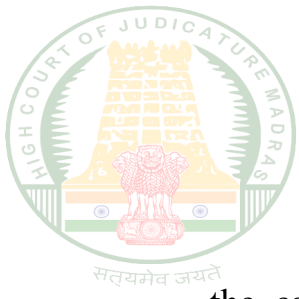


Crl.O.P.(MD)No.587 of 2025

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 22.01.2025, 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 Mr.D.Ganesan, SSI, Central Police Station, Thoothukudi 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, the dispute is of personal in nature and it is a case and case in counter. Now, in both the cases, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences 427, 294(b), 352, 506(2), 109 IPC and Section 4 of TNPHWA Act.



Crl.O.P.(MD)No.587 of 2025

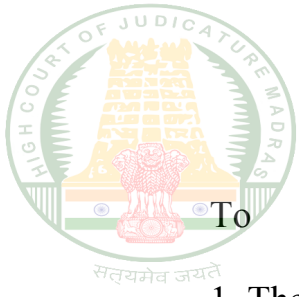
7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

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.293 of 2022, 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.293 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.

28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM



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To

1. The Inspector of Police,
CENTRAL Police Station,
Tuticorin District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

PNM

ORDER IN
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