



Crl.O.P.(MD)No.70 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1. Sakthivel @ Sakthi

2. Yesuraj @ Jesuraj

3. Rajendhiran @ Rajendran

4. Anandh @ Ananth

5. Saravanan

6. Siva @ Sivanandam

... Petitioners

Vs

1. The Assistant Commissioner,
Cantonment, Trichy.

2. The Assistant Commissioner,
Ponmalai, Trichy.

3. The Inspector of Police,
Cantonment Police Station,
Trichy District. (Crime No. 1702 of 2022)

4. Karthik

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records relating to the case in FIR in Crime No. 1702 of
2022 on the file of the 3rd Respondent Police and to quash the same.



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For Petitioner : M/s.M.Suresh
For Respondents 1 to 3 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For Respondents 4 : Mr.Karthick Raja

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.1702 of 2022 on the file of the third respondent Police.

2. The case of the prosecution is that due to previous enmity on 12.08.2022, the accused persons had abused the defacto complainant with filthy language, threatened him with dire consequences. 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 fourth respondent has lodged a complaint before the third respondent Police and on that basis, F.I.R. came to be registered in Crime No.1368 of 2022, dated 12.08.2022 for the offences under Sections 341, 294(b), 323, 353 and 506(i) 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 03.01.2025, has been filed before this Court, which has been signed by the petitioners and the fourth respondent and also by their respective counsel. The petitioners and the fourth respondent were also present in person before this Court and they were identified by Mr.P.Suresh, SSI, Contonment Police Station, Trichy, 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 341, 294(b), 323, 353 and 506(i) IPC.

7. The legal position expressed by the Hon'ble Apex Court in



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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.1702 of 2022, pending before the third 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.1702 of 2022, on the file of the third 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 Assistant Commissioner,
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Trichy.

2. The Assistant Commissioner,
Ponmalai,
Trichy.

3. The Inspector of Police,
Cantonment Police Station,
Trichy District.

4. 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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