



Crl.O.P.(MD)No.980 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.980 of 2025

A.Kartheeshwaran

... Petitioner

Vs.

1.State rep., by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.25 of 2022

2.V.Thirupathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with C.C.No.604 of 2023 on the file of the learned Judicial Magistrate, Veda sandur, Dindigul District in Crime No.225 of 2022 on the file of the Inspector of Police, Vadamadurai Police Station, Dindigul District and quash the same in respect of the petitioner as devoid of merits and illegal.

For Petitioner : Mr.C.Prithviraj

For Respondents1 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)



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For R2 : Ms.M.Lavanya

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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.604 of 2023 on the file of the learned Judicial Magistrate, Veda sandur, Dindigul District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to previous enmity, the petitioner assaulted the defact complainant's mother and when the same was questioned by the defacto complainant, the petitioner abused and also assaulted him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.225 of 2022, after investigation, final report filed, the same taken cognizance in C.C.No.604 of 2023 by the learned Judicial Magistrate, Veda sandur, Dindigul District, for the offences under Sections 294(b), 323, 324 and 506(2) of I.P.C., against the petitioner.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.P.Ramakrishnan, Vadamadurai Police Station, Dindigul District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 323, 324 and 506(2) of I.P.C.



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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 C.C.No.604 of 2023 as against the petitioner pending before the learned Judicial Magistrate, Vendasandur, Dindigul District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.604 of 2023 on the file of the learned Judicial Magistrate, Vendasandur, Dindigul District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

30.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



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To

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- 1.The Judicial Magistrate, Veda sandur, Dindigul District
- 2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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