

Nalla Thambi vs The Inspector Of Police on 25 October, 2024

Crl.O.P.(MD)No.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17494 of 2024

1.Nalla Thambi

2.Azhagar @ Alaguraja

3.Senthil @ Senthil Pandi

4.Gowtham

5.Chandru

6.Karthick @ Karthick Raja

7.Prabha @ Prabhakaran

...

Vs.

1.The Inspector of Police,
Sellur Police Station,
Madurai District.
(Crime No.812 of 2022)

2.Ajith Kumar

3.S.Ganesan

... Res

PRAYER : Criminal Original Petition filed under Section 528 BNSS, t
call for the records pertaining to the case in Crime No.812 of 2022
file of the first respondent Police and quash the same.

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<https://www.mhc.tn.gov.in/judis>

Crl.O.P.(M

For Petitioners : Mr.K.Dinesh

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl.

For R2 : Mr.K.Sheenivasan

ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the First Information Report in Crime No.812 of 2022 on the file of the first respondent police and quash the same as illegal against the petitioners.

2.The case of the prosecution is that there was a quarrel while purchasing the liquor between A2 and the third respondent, due to which, the accused persons assaulted him, that the second respondent tried to pacify the issue between them and hence, the accused persons abused him and also attacked him and hence, the second respondent lodged a complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second <https://www.mhc.tn.gov.in/judis> CrI.O.P.(MD)No.17494 of 2024 respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.812 of 2022 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC against the petitioners.

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 have been signed by the petitioners and the respondents 2 & 3 and also by their respective counsel. The petitioners and the second respondents 2 & 3 were also present in person before this Court and they were identified by Mr.T.Chinnaalagu, Special Sub Inspector, Sellur 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 now the parties had compromised. Where the parties have compromised the <https://www.mhc.tn.gov.in/judis> CrI.O.P.(MD)No.17494 of 2024 matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC.

7.The legal position expressed by the Hon'ble Apex Court in the case of Gian Singh vs. State of Panjab and another reported in (2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath) 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.812 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.812 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.

25.10.2024 gns <https://www.mhc.tn.gov.in/judis> Crl.O.P.(MD)No.17494 of 2024 To

1.The Inspector of Police, Sellur Police Station, Madurai District.

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

<https://www.mhc.tn.gov.in/judis> Crl.O.P.(MD)No.17494 of 2024 K.MURALI SHANKAR,J.

gns Crl.O.P.(MD)No.17494 of 2024 25.10.2024 <https://www.mhc.tn.gov.in/judis>