

S.Navaskhan @ Navaskan vs The Inspector Of Police on 21 October, 2024

CrI.O.P.(MD)No.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.16659 of 2024

1.S.Navaskhan @ Navaskan

2.M.Hari @ Hariprasath

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Vs.

1.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.

2.S.Manickam

... R

PRAYER : Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the case in Crime No.115 of 2024 on the file of the first respondent Police and quash the same.

For Petitioners : Mr.K.Dinesh

For R1 : Mr.P.Kottai Chamy
Government Advocate (CrI. Sid

For R2 : Mr.K.Sheenivasan

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CrI.O.P.(M

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.115 of 2024 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 when the petitioners and the second respondent purchased liquor from the TASMAL, a wordy quarrel arose between them, in which the petitioners abused the second respondent in filthy language and also assaulted him and hence, the second respondent has 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 respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.115 of 2024 dated 20.06.2016 for the offences under Sections 296(b), 115(2), 118(1) and 351(2) BNS against the petitioners.

<https://www.mhc.tn.gov.in/judis> CrI.O.P.(MD)No.16659 of 2024

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 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 the Sub Inspector of Police, Ponnamaravathi 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 matter, the High Court has power to quash the complaint for the offences under Sections 296(b), 115(2), 118(1) and 351(2) BNS.
<https://www.mhc.tn.gov.in/judis> CrI.O.P.(MD)No.16659 of 2024

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 Gujrat 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.115 of 2024 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.115 of 2024 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.

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

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Crl.O.P.(MD)No.16659 of 20

To

- 1.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Crl.O.P.(MD)No.16659 of 2024

K.MURALI SHANKAR,J.

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