



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.991 of 2017

J.Sathis Kumar : Petitioner/Sole Accused

-Vs-

1.State through

The Inspector of Police,
B.6, Jaihindpuram Police Station,
Madurai City.

In Cr.No.955 of 2011 : 1st Respondent/Complainant

2.Anitha : 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the case in P.R.C.No.189 of 2013 under Sections 324, 506(ii) and 307 I.P.C. pending proceedings on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same.

For Petitioner : Mr.R.Aravindraja

For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

For Respondents No.2 : Mr.S.Manickam

O R D E R

It is the case of the *defacto* complainant that the petitioner and defacto complainant are husband and wife and the petitioner tortured the defacto complainant by asking her to go to job in any private school and caused her simple injury with a DVD Wire. On the strength of the complaint given by the *defacto* complainant, the respondent police registered a case in Crime No.955 of 2011 under Sections 324, 506(ii) and 307 of the Indian Penal Code against the accused, to quash which, both the accused and the *defacto* complainant are before this Court with the present petition on the ground that they have arrived at the compromise.

2.In **Narinder Singh v. State of Punjab [(2014) 2 MLJ (Cr1) 365 (SC)]**, the Hon'ble Supreme Court has stated that the offence under Section 307 I.P.C. would fall under the category of serious and heinous crime and therefore, it should be treated as a crime



against the society and not against an individual. However, the Hon'ble Supreme Court has stated that prosecution under Section 307 can also be quashed in certain circumstances.

3. In the instant case, the petitioner and the defacto complainant are husband and wife and they are living together.

4. Today, when the matter was taken up for hearing, Mr.S.Pandidurai, Special Sub-Inspector of Police, B6, Jaihindpuram Police Station is present. The petitioners and the defacto complainant are present before this Court and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.S.Pandidurai, Special Sub-Inspector of Police, B6, Jaihindpuram Police Station.

5. The parties have also filed a joint compromise memo, wherein it is stated as follows:

"2. It is submitted that since the petitioner and the defacto complainant are the husband and wife and at the intervention of the elders in the both family, they lead their matrimonial life peacefully in the above mentioned address by entering into compromise and settled the dispute amicably without any discrepancy and thereby the 2nd respondent is agreed to withdraw the present case in order to maintain peace and lead matrimonial life happily."

6. In view of the above, this Petition is allowed and the entire proceedings in P.R.C.No.189 of 2013 on the file of the Judicial Magistrate No.IV, Madurai, as against the petitioner, are hereby quashed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as cost to Anbagam, Race Course Road, Madurai within a period of two weeks from the date of receipt of a copy of this order and file a memo in the Registry. The joint compromise memo dated 10.01.2017 shall form part of this order.

Sd/-
Assistant Registrar

/True Copy/
Encl : Joint the Compromise Memo
Xerox Copy

Sub Assistant Registrar

sj

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Judicial Magistrate No.IV,
Madurai.



2.The Inspector of Police,
B.6, Jaihindpuram Police Station,
Madurai City.

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

4)Anbagam,
Race Course Road,
Madurai.

+1CC to Mr.R.Aravind, Advocate Sr.No.13368

GJM/PM/PN/20.3.17-3p-6c

Order made in
CRL.O.P. (MD) No.991 of 2017
09.03.2017