



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.17420 of 2019

1. Babu
2. Hariram
3. Kalavathy @Kala
4. Mayilrajan
5. Amarajothi
6. Rajabharathi @ Rajkumar
7. Yogalakshmi

... Petitioners / Accused No.1 to 7

Vs.

- 1.The Inspector of Police,
All Women Police Station
Thallakulam, Madurai City.
(Crime No.27 of 2019)

... 1st Respondent / Complainant

- 2.Asharani

...2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in Crime No. 27 of 2019 on the file of the first respondent and quash the same.

For Petitioners : Mr.P.T.Ramesh Raja

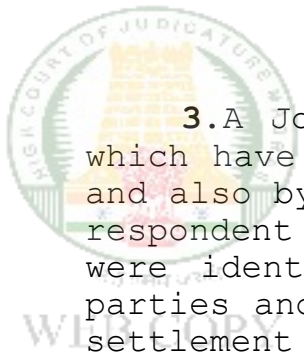
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

For R-2 : Mr.R.Ponkarthikeyan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No. 27 of 2019 , on the file of the first respondent police, for an alleged offences under Sections 498(A), 294(b), 323,506(ii) of IPC and Section 4 of TNPHW Act.

2.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



3.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 of Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. Even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 **SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No. 27 of 2019 pending on the file of the first respondent police insofar as the petitioners 1 to 5 are concerned.

5. It is represented by the learned counsel for the petitioners that the petitioners paid a sum of Rs.5000/- (Rupees Five thousand only) as costs to the Credit of the Chief Justice Relief Fund (Payable in Accounts Section of the High Court Registry) and filed the original cash receipt along with this memo on 25.11.2019. The said submission is placed on record.

6. Insofar as the petitioners 6 and 7 are concerned, the learned counsel for the petitioners further submitted that the ingredients of the offence under Sections 294(b) and 506(ii) of I.P.C. are not made out as against the petitioners 6 and 7. The charge does not show the obscene words, which were uttered by the accused and no one even whisper about the filthy words uttered by the accused as against the defacto complainant/ third respondent. Therefore, the offence under Section 294(b) and 506(ii) of I.P.C. is not at all made out as against the petitioners 6 and 7 herein. In this regard, the learned counsel for the petitioner also relied upon the judgment of this Court in **Crl.O.P. (MD)No.11030 of 2014 (Abdul Agis Vs. State through the Inspector of Police)**, which reads as follows:-

"7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a



mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(B) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings."

7. Therefore, the above judgment is squarely applicable in the case on hand. There is no absolutely no allegations to attract the offence under Sections 294(b) and 506(ii) of IPC as against the petitioners 6 and 7. Therefore the First Information Report is nothing but clear abuse of process of law, which cannot be sustained as against the petitioners 6 and 7 are concerned.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 27 of 2019 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.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

(Enclose Xerox copy of Joint Compromise memo)

1.The Inspector of Police,
All Women Police Station
Thallakulam, Madurai City

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

+1 CC to M/s.P.T. RAMESH RAJA, Advocate (SR-101424[F] 26/11/2019)

Copy to:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) .No.17420 of 2019
25.11.2019

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