



Crl.O.P.No.23328 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.23328 of 2022

and

Crl.M.P.No.14915 of 2022

1.Ghouse Basha
2.Sagul Ameer. L

... Petitioners

Vs.

1.The State rep.by
The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.

2.Nasurnisha

... Respondents

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.435 of 2021 on the file of the learned Additional Mahila Court, Chengalpattu and quash the same.

For Petitioners ... Mr. Ali Hassan Khan

For Respondents ... Mr. E. Raj Thilak, for R1
Additional Public Prosecutor



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ORDER

WEB COPY The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.435 of 2021 pending on the file of the Additional Mahila Court, Chengalpattu, for the offences punishable under Sections 294(b), 323, 506(i) of IPC and under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

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

3. An affidavit has been filed by the second respondent / defacto complainant agreeing to settle the matter with the petitioners / accused. The petitioners and the second respondent/defacto complainant are also present in-person before this Court and they are identified by Mr.Jayakumar, Special Sub Inspector, Maraimalai Nagar Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 294(b), 323, 506(i) of IPC and under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

5. 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.

6. 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.435 of 2021 pending before the Additional Mahila Court, Chengalpattu, even though, the offences involved are not compoundable in nature.



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V.SIVAGNANAM ,J.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.435 of 2021, on the file of the Additional Mahila Court, Chengalpattu is quashed and the affidavit dated 16.08.2022 filed by the second respondent / defacto complainant shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

31.10.2022

AT

Index : Yes/No

To

1.The Additional Mahila Court, Chengalpattu.

2.The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.

3.The Public Prosecutor,
High Court of Madras.

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