



Crl.O.P No.27323 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.27323 of 2022

1. P.Jayaprakash
2. P.Kala
3. P.Gomathi
4. P.Dhivya

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
Thirukovilur Sub Division,
Thirukovilur.

2. A.Nithyapriya

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to Spl.S.C. No.1 of 2016 pending on the file of the Sessions Judge, Special Court for Trial of SC and ST (POA) Act Cases at Villupuram and quash the same by allowing the present Criminal Original Petition.

For Petitioners : Mr. R.Jayaprakash

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor
R2 : Mr. M.Rakhi



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Crl.O.P No.27323 of 2021

ORDER

This petition is filed to call for the records pertaining to Spl.S.C. No.1 of 2016 pending on the file of the Sessions Judge, Special Court for Trial of SC and ST (POA) Act Cases at Villupuram and quash the same by allowing the present Criminal Original Petition.

2. Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel for the second respondent.

3. On a perusal of the records, it is seen that this is a case which arose out of a matrimonial dispute between the second respondent / *de facto* complainant and the first petitioner. In this regard, the first petitioner had filed a petition for divorce in H.M.O.P. No.137 of 2019 before the Principal Sub Judge, Kallakurichi. The said petition was allowed. However the same was challenged by the wife by way of preferring a Civil Miscellaneous Appeal in C.M.A. No.10 of 2020 before the Principal District Judge, Villupuram and the said appeal was allowed on 14.06.2021. The husband / first petitioner had filed a second appeal in C.M.S.A. No.80 of 2021 before



this Court wherein it is seen that the parties have arrived at compromise and the second respondent had given her consent to decree H.M.O.P. No.137 of 2019.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioners submitted that the matter has been amicably settled between the parties and they have executed a joint memo of compromise dated 08.11.2022 and hence the proceedings pending in Spl.S.C. No.1 of 2016 may be quashed.

5. The petitioners and the second respondent are present before this Court today and agreed that they have settled the dispute among themselves. The petitioners and the second respondent were identified by Ms.K.Ranjitha, WPC 1496, All Women Police Station, Thirukovilur. While enquiring the second respondent, she had stated that a Joint Compromise Memo was executed wherein it is stated that the parties have dissolved their marriage and opted to proceed on their own way without troubling each other. The *de facto* complainant has stated that she had affixed her signature in the Joint Compromise Memo without any coercion or threat. In view of the same, the



de facto complainant has also consented to withdraw all the proceedings.

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6. Taking into consideration of the long battle between the couples and their endeavour to settle all the disputes between themselves and 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)**, I feel it is appropriate to invoke the powers of this Court under Section 482 Cr.P.C. to quash the proceedings even though the charges framed against the accused under Sections 294(b), 323 IPC r/w. Section 3(1) (X) of SC/ST (POA) Act 1989 are non-compoundable in nature.

7. Considering the relationship between the parties and all other attending circumstances and relying on the judgment of the Supreme Court in **Ramawatar Vs. State of Madhya Pradesh** reported in **2021 SCC OnLine SC 966**, I feel the ends of justice can be secured by quashing the proceedings.

8. In the result, this Criminal Original Petition is allowed and as a



sequel, the further proceedings in Spl.S.C. No.1 of 2016 pending on the file of the Sessions Judge, Special Court for Trial of SC and ST (POA) Act Cases at Villupuram is hereby quashed in view of the Joint Compromise Memo dated 08.11.2022. The Joint Compromise Memo shall form part of this order.

08.11.2022

Index : Yes/No
Speaking Order : Yes / No
bkn

To:

1. The Deputy Superintendent of Police,
Thirukovilur Sub Division,
Thirukovilur.
2. The Sessions Judge,
Special Court for Trial of SC and ST (POA) Act Cases,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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