



CrI.O.P.(MD) No.7499 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.7499 of 2022

T.Thanga Arasu

... Petitioner/ sole Accused

Vs

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil,
Kanyakumari.

.... 1st Respondent/Nil

2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

.... 2nd respondent/Complainant

3. Sathyabama

... 3rd Respondent/ De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the C.C.No.6 of 2022 on the file of the Additional Mahila Court, Nagercoil and quash the same in respect of the petitioner.

For Petitioner : Mr.R.M.Suresh

For R1 & R2 : Mr.A.Albert James
Government Advocate (Crl.side)

For R3 : Mr.G.Kalidoss



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.6 of 2022 on the file of the Additional Mahila Court, Nagercoil for the offences punishable under Sections 452, 354, 294(b), 506(ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.127 of 2018.

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. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the third respondent and also by their respective counsel. The petitioner and the third respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.R.John Rajan, SSI of Police, Kanyakumari Police Station. This Court also enquired both the parties and



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was satisfied that the parties have come to an amicable settlement between themselves.

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 to power to quash the complaint for the offence under Sections 452, 354, 294(b) and 506(ii) of IPC r/w 4 of TNWHA.

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.6 of 2022 pending before the Additional Mahila Court, Nagercoil, even though, the offences involved are not compoundable in nature.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.6 of 2022, on the file of the Additional Mahila Court, Nagercoil is quashed and the terms of joint compromise memo shall form part and parcel of this order.

14.06.2022

Internet:Yes./No
Index:Yes/no
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To

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil,
Kanyakumari.
2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) No.7499 of 2022

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