



Crl.O.P.(MD) No.10906 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.10906 of 2022 and
Crl.M.P(MD).No.6878 of 2022

S.Murugeswaran @ Murugesan

...Petitioner

Vs.

1.State through the Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
(Crime No.349 of 2021)

2.Anitha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records to quash the FIR in Crime No.349 of 2021, dated 23.06.2021 on the file of the 1st respondent police with respect of the petitioner / accused.

For Petitioner : Mr.J. Mathesh

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2 : Mr. T. Sivakkumar



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ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No. 349 of 2021, on the file of the first respondent police.

2.The complaint has been given by the wife against the husband with regard to the family dispute and a case has been registered in Crime No.349 of 2021 on the file of the respondent police for the offences under Sections 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. Today, the complainant's father Mruthraman is present and stated that the dispute between the parties settled out of Court and his daughter married someone three days back and therefore, he need not want to continue the prosecution.

4.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.



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5.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent's father were also present in person before this Court and they were identified by Mr.R.Babu, SSI, C2 Subramaniyapuram Police Station, Madurai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.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 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

6.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.



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7. 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 Crime No.349 of 2021 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.349 of 2021 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected Miscellaneous Petition is closed.

20.06.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
trp

To

1. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

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

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V.SIVAGNANAM, J.

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