



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.06.2022**

**CORAM**

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

**CRL.O.P (MD) No.10239 of 2022**

**and Cr1.M.P(MD)No.6410 of 2022**

WEB COPY

1. Murugan

2. Pandiammal

3. Nanthini

4. Rahini

... Petitioners/ Accused 1 to 4

Vs

1. The Inspector of Police,  
Vadipatty Police Station,  
Madurai District.  
Crime No.1779 of 2020.

... 1<sup>st</sup> Respondent/ Complainant

2. Illakya

... 2<sup>nd</sup> Respondent/ Defacto Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the FIR in Crime No.1779 of 2020, for offences u/s 294(b), 323,355,309, of IPC and 4 of TN Prohibition of Harassment of women Act 2002 on the file of the respondent Police.

For Petitioners : Mr. S.Ramasundaravijayaraj

For Respondents : Mr.A.Albert James (R1)

Government Advocate (Cr1.Side)

Mr.D.Muthukumar (R2)

### **O R D E R**

This Criminal Original Petition has been filed to quash the FIR in Crime No.1779 of 2020, on the file of the first respondent police.

2.The case of the prosecution is that the defacto complainant's brother got married to one Nandini, who is A3 in this case. Due to matrimonial dispute, on 03.09.2020 around 06.00PM all the accused persons went to the house of the defacto complainant and scolded them with filthy words and also assaulted them. Subsequent to that, the defacto complainant consumed poison and admitted in the hospital. Hence, the complaint.



3.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.

4.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 Mr.P.Servai, SSI of Police, Vadipatti Police Station. 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, 355, 309 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.

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.1779 of 2020 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.1779 of 2020 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PNM

*Enclosed herewith Copy of the Joint Compromise Memo*



To

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

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

+1 CC to M/s.S. RAMSUNDARVIJAYARAJ, Advocate ( SR-26225[F] dated  
16/06/2022 )

+1 CC to M/s.D.MUTHU KUMAR, Advocate ( SR-26304[F] dated  
17/06/2022 )

**CRL.O.P (MD) No.10239 of 2022**  
**and CrI.M.P(MD)No.6410 of 2022**  
**16.06.2022**

\_RD(24.06.2022) 3P 5C