



CRL.O.P (MD) No.10797 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10797 of 2022

1.Uma Maheswari
2.Selvakani @ Selvi
3.Madavan @ Sivamadhavaraj ... Petitioners/Accused Nos.1 to 3

Vs

1.The State Rep. By
The Inspector of Police,
Uvari Police Station,
Tirunelveli District. ... 1st Respondent/Complainant

2.Narayana Perumal ...2nd Respondent/Defacto Complainant

3.Janaki ...3rd Respondent/Injured

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to C.C.No.1091 of 2020 on the file of the Judicial Magistrate, Radhapuram and quash the same.

For Petitioners : Mr.D.Venkatesh

For Respondents : Mr.A.Albert James (R1)
Government Advocate (Crl.Side)
Mr.T.Leninkumar for R2 & R3



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ORDER

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This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.1091 of 2020 pending on the file of the learned Judicial Magistrate, Radhapuram for the offences punishable under Sections 294(b), 323, 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002 in Crime No.40 of 2017.

2.The case of the prosecution is that due to family dispute, on 06.05.2017 at about 4.30 p.m. the first petitioner abused the 2nd respondent with filthy language and pushed him down. Thereafter, the petitioners had beaten him with hands and sticks. When the third respondent, being his wife, tried to pacify them, the petitioners pushed her down and beaten her with sticks and also threatened the respondents 2 & 3 with dire consequences. Hence, the complaint.

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



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4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second and third respondents and also by their respective counsel. The petitioners and the second and third respondents were also present in person before this Court and they were identified by Mr.V.Nambhiraja, Grade I Constable, Uvari 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, 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman 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 C.C.No.1091 of 2020 pending before the learned Judicial Magistrate, Radhapuram, 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 C.C.No.1091 of 2020 pending before the learned Judicial Magistrate, Radhapuram is quashed and the terms of joint compromise memo shall form part and parcel of this order.

04.07.2022

Internet: Yes./No

Index: Yes/no

vsd

To

1. The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

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

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V.SIVAGNANAM, J.

vsd

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