



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11031 of 2022

M.Mohamed Madani

... Petitioner/Accused No.1

Vs

1. The State represented by its
The Inspector of Police,
Thallakulam Police Station,
Thiruppalai PS Limit,
Madurai.

(Crime No.251 of 2021)

... 1st Respondent/ Complainant

2. M.Saleema Banu

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in relating to the Charge Sheet in C.C.No.547 of 2022 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same in respect of the petitioner.

For Petitioner

: Mr.N.Thamimul Ansari

For Respondents

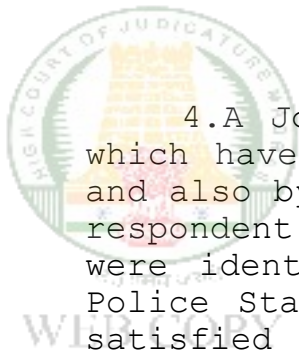
: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor for R1
Mr.S.Mohamad Sikkandar for R2

O R D E R

This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.527 of 2022 pending on the file of the Judicial Magistrate No.II, Madurai, for the offences punishable under Sections 342, 323, 354A and 352 IPC and Section 4 of TNPHW Act, in Crime No.251 of 2021.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to the second marriage of the petitioner, some misunderstanding arose between them. On 05.03.2021, the petitioner and his father assaulted the defacto complainant and threatened her with dire consequences. Hence, the defacto complainant lodged a complaint and for the same, an FIR had been registered in Crime No.251 of 2021, for the offences under Sections 342, 323 and 324 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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.



4.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 were also present in person before this Court and they were identified by Mr.S.Jegadeeshwaran, SI of Police, Thiruppalai Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.The petitioner and the defacto complainant are husband and wife and the defacto complainant does not like to continue the criminal proceedings against her husband. Under these circumstances, continuing the criminal proceedings against the petitioner would be of no use.

6.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 342, 323, 354A and 352 IPC and Section 4 of TNPHW Act.

7.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.

8.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.547 of 2022 pending before the Judicial Magistrate No.II, Madurai, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.547 of 2022, on the file of the Judicial Magistrate No.II, Madurai, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar (CS)



ENCL: XEROX OF joint COMPROMISE MEMO

To **மேலாதிபதி**

1. The Judicial Magistrate No.II,
Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Thiruppalai PS Limit,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N. THMIMUL ANSARI, Advocate (SR-27394[F] dated 22/06/2022)

ORDER IN
CRL.O.P (MD) No.11031 of 2022
22.06.2022

_ SS/29/06/2022/ 3P 5C