



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11043 of 2022

1. Karthick Babu
2. Durga Devi
3. Sakthi Devi
4. Lakshmi
5. Rajeswari
6. Rukkumani

.. Petitioner/Accused 1 to 6

Vs

1. State represented by its
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
(Crime No.381 of 2019)

.. 1st Respondent/Complainant

2. Saravanan

..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the proceedings in C.C.No.731 of 2020 on the file of the learned Judicial Magistrate / Additional Mahila Court, Madurai and quash the same as against the petitioners.

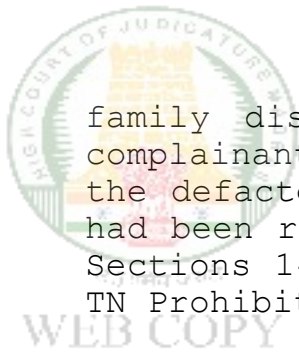
For Petitioners : Mr.M.Jegadeesh Pandian,
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor for R1
Mr.B.Viswanathan for R2

O R D E R

This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.731 of 2020 pending on the file of the Judicial Magistrate / Additional Mahila Court, Madurai, for the offences punishable under Sections 147, 448, 294(b), 323, 324 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.381 of 2019.

2.The case of the prosecution is that the first petitioner and the defacto complainant's daughter are husband and wife. Due to

<https://hcservices.ecourts.gov.in/hcservices/>



family dispute, the petitioners had quarrelled with the defacto complainant, which resulted in scuffle between the parties. Hence, the defacto complainant lodged a complaint and for the same, an FIR had been registered in Crime No.381 of 2019, for the offences under Sections 147, 448, 294(b), 323, 324 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act.

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.

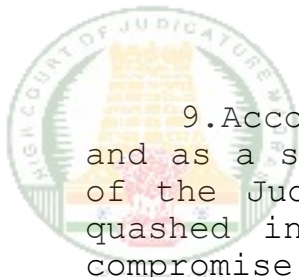
4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.R.Mariappan, SSI of Police, Thirunagar 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 defacto complainant is the father-in-law of the first accused. Out of family dispute, a wordy quarrel arose between them and they want to settle the matter out of Court. Since the dispute is being a family dispute, the defacto complainant is not willing to continue the criminal proceedings against his son-in-law. Under these circumstances, continuing the criminal proceedings against the petitioners 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 147, 448, 294(b), 323, 324 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women 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.731 of 2020 pending before the Judicial Magistrate / Additional Mahila Court, 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.731 of 2020, on the file of the Judicial Magistrate / Additional Mahila Court, Madurai, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CSM

ENCL:Xerox Copy of Joint Compromise Memo

To

- 1.The Judicial Magistrate /
Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
Thirunagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. JEGADEESHPANDIAN, Advocate (SR-27527[F]
dated 22/06/2022)

ORDER IN

CRL.O.P (MD) No.11043 of 2022

22.06.2022

SE (CO)

GC(30.06.2022) 3P 5C