



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11025 of 2022

Marimuthu

... Petitioner/Sole Accused

Vs

1. The State represented by
The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.169 of 2022)

... 1st Respondent/ Complainant

2. Kaleeswari

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in the case in Crime No.169 of 2022 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.R.Suresh Kumar,
Government Advocate (Crl. Side) for R1
Mr.V.T.Prabhakaran for R2

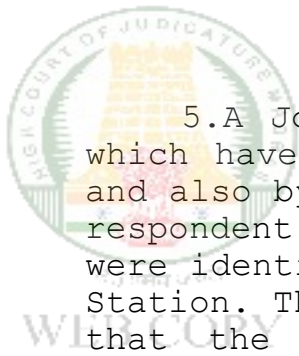
O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.169 of 2022, dated 15.05.2022, on the file of the first respondent.

2.The case of the prosecution is that due to family dispute, the petitioner attacked the defacto complainant with hand and abused her in filthy language. Hence, the defacto complainant lodged a complaint and for the same, an FIR had been registered in Crime No.169 of 2022, for the offences under Sections 341, 294(b), 355 and 506(1) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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.The defacto complainant and the petitioner are close relatives and due to family dispute, the occurrence took place between them.



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 were also present in person before this Court and they were identified by Mr.G.Perumal, SSI of Police, Sivakasi Town Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.The defacto complainant is not interested to continue the criminal proceedings against the petitioner. Under these circumstances, continuing the criminal proceedings against the petitioner would be of no use.

7.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 341, 294(b), 355 and 506(1) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

8.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 Gujrat** reported in **(2017)9 SCC 641** were taken into consideration.

9.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.169 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.169 of 2022 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.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Csm

Enclosed herewith Copy of the Joint Compromise Memo



To

1. The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

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

+1 CC to M/s.G.M. LAW OFFICE, Advocate (SR-27514[F] dated
22/06/2022)

CRL.O.P (MD) No.11025 of 2022
22.06.2022

SS(29.06.2022) 3P 4C