



CrI.O.P.(MD) No.11756 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11756 of 2022

and

CrI.M.P(MD)No.7417 of 2022

1. Sakthivel,

2. Karnan,

: Petitioners

Vs

1. State through
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
Crime.No. 36/2021.

2. Merlin Jenofer,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned FIR in Crime No. 36/2021 dated 14.12.2021 on the file of the first respondent police and quash the same as illegal.



Crl.O.P.(MD) No.11756 of 2022

For Petitioners : M/s.Vikram S,
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For R2 : Mr.K.Malaimaran

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.36/2021, on the file of the first respondent police.

2.The case of the prosecution is that due to matrimonial dispute, the petitioners attacked the defacto complainant and her mother. Further, the petitioners abused them with filthy languages. 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



Crl.O.P.(MD) No.11756 of 2022

were also present in person before this Court and they were identified by Mrs.C.Parimala, WGr-I, All Women Police Station, Sivagangai. 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, 354(B), 506(i) 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.36 of 2021 pending before the first respondent



Crl.O.P.(MD) No.11756 of 2022

police, even though, the offences involved are not compoundable in nature.

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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.36 of 2021 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, the connected miscellaneous petition is closed.

01.07.2022

Internet: Yes./No
Index: Yes/no
lr

To

1. The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.

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



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Crl.O.P.(MD) No.11756 of 2022

V.SIVAGNANAM, J.

lr

ORDER IN
CRL.O.P (MD) No.11756 of 2022



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Crl.O.P.(MD) No.11756 of 2022

01.07.2022