



Crl.O.P.(MD) No.11948 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11948 of 2022

S.Mohmed Mohaideen @
Mohamed Mohaideen Madani

... Petitioner/ Accused No.2

Vs

1.The State Represented by its,
The Inspector of Police,
Thallkulam Police Station,
Thiruppalai PS Limit,
Madurai.
(In 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 case in C.C.No.547 of 2022 on the file of the learned Judicial Magistrate Court No.II, Madurai and quash the same in respect of the petitioner.



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For Petitioner : M/s.N.Thamimul Ansari

For R1 : Mr.E.Anotny Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.547 of 2022 on the file of the Judicial Magistrate No.II, Madurai Distirct.

2. The case of the prosecution is that the 2nd respondent/ defacto complainant is the wife of the petitioner's son. The marriage was solemnized between them and they have two daughters out of their wed lock. Later on, misunderstanding arose between the husband and wife due to the alleged second marriage of the petitioner's son. Then the petitioner and his son harassed the second respondent and threatened her with dire consequences. Hence, the complaint was given by the second respondent to the first respondent. The first respondent registered the case in Crime No.251 of 2021 for the offences under Sections 323, 342 of IPC and 4 of TNPHW Act and later charges altered as 323, 342, 352, 354 (A) of IPC and 4 of TNPHW Act then the charge sheet was filed by the respondent police and taken on



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file in C.C.No.547 of 2022 and the same is pending on the file of the learned Judicial Magistrate No.II, Madurai.

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. The learned counsel for the petitioner submitted that the accused No.2 is daughter-in-law of the defacto complainant. They settled the matter out of the Court and they have been filed a Joint Memo of Compromise 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 the learned Additional Public Prosecutor and Mr.S.Jegatheeswaran, SI of Police, Thiruppalai Police Station, Madurai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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 323, 342 of IPC and 4 of TNPHW Act and later charges altered as 323, 342, 352, 354 (A) of IPC and 4 of TNPHW Act.

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 C.C.No.547 of 2022 pending before the Judicial Magistrate No.II, Madurai District, 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 C.C.No.547 of 2022, on the file of the Judicial Magistrate No.II, Madurai District is quashed and the terms of joint compromise memo shall form part and parcel of this order.

05.07.2022

Internet:Yes./No

Index:Yes/no

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To

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



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V.SIVAGNANAM, J.

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ORDER IN
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