



CrI.O.P.(MD) No.11817 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.11817 of 2022

and

CrI.M.P(MD)No.7466 of 2022

1.Madhusoothanan

2.Natarajan

... Petitioners

Vs.

1.The State,
Represented by,
The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
(Crime No.3 of 2015)

2.Durgadevi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the impugned charge sheet in C.C.No.54 of 2016 on the file of the learned Judicial Magistrate Court Thiruvaiyaru and quash the same as illegal.



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For Petitioners : Mr.S.Krishnan
For R-1 : Mr.A.Albert James,
Government Advocate,
(Criminal Side).
For R-2 : Mr.S.Sankar

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.54 of 2016 on the file of the learned Judicial Magistrate Court Thiruvaiyaru.

2.The case of the prosecution is that the second respondent lodged a complaint levelling sexual assault against her father-in-law, the second petitioner herein. Hence, a complaint was registered. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in C.C.No.54 of 2016 on the file of the learned Judicial Magistrate Court Thiruvaiyaru and it is pending for trial.

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.



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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 the learned Counsels appearing for both the parties. 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 the power to quash the complaint for the offence under Section 498(A) I.P.C.

6. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab 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.



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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.54 of 2016 pending before the learned Judicial Magistrate Court Thiruvaiyaru, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.54 of 2016 on the file of the learned Judicial Magistrate Court, Thiruvaiyaru, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition stands closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Nsr



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WEB COPY To

- 1.The Judicial Magistrate Court,
Thiruvaiyaru.
- 2.The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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