



Crl.O.P.(MD) No.12150 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12150 of 2022

1.Nijamudeen

2.Nishara @ Niharabanu

3.Noorjahan

4.Sahapudeen ... Petitioners/Accused No.1 to 4

Vs

1.The State,
Represented by,
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.7 of 2022). ...1st respondent/ Complainant

2.Risvanabeham ... 2nd Respondent/ Defacto-Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to Crime No.7 of 2022 dated 06.01.2022 on the file of the Inspector of Police, Adiramapattinam Police Station, Thanjavur District and quash the same.



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For Petitioners : Mr.D.S.Haroon Rasheed
For R-1 : Mr.A.Albert James,
Government Advocate (Criminal Side).
For R-2 : Mr.A.Balaji

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.7 of 2022 dated 06.01.2022 on the file of the Inspector of Police, Adiramapattinam Police Station, Thanjavur District.

2. The case of the prosecution is that there was a family dispute between the petitioners and the second respondent with regard to the property situated at Door No.505, MSM Nagar, Athiramapattinam, Thanjavur District, which belongs to the mother of the second respondent. Hence, a complaint was registered. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in Crime No.7 of 2022 dated 06.01.2022 on the file of the Inspector of Police, Adiramapattinam Police Station, Thanjavur District and it is pending for trial.



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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 were also present in person before this Court and they were identified by Mr.S.Duraiyaran, Special Sub Inspector of Police, Athirampattinam Police Station, Thanjavur District as well as 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 between the family members 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 Sections 294(b), 323, 427, 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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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.7 of 2022 pending before the first respondent police, 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 Crime No.7 of 2022 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.

13.07.2022

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



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To

WEB COPY

- 1.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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V.SIVAGNANAM, J.

Nsr

ORDER IN
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