



Crl.O.P.(MD) No.12224 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12224 of 2021
and Crl.MP(MD)Nos.6726 & 10890 of 2021

1. Vivekanandhan
2. Vijayarajan
3. Vasuki
4. Vigneshwaran

... Petitioners

Vs

1. The Inspector of Police,
All Women Police Station,
Thirupparankundram, Madurai City.
Cr.No.33 of 2020.

2. Anusuya

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the FIR in Crime No.33 of 2020, on the file of the first respondent police.

For Petitioners : Mr.R. Murali

For Respondents : Mr.E.Antony Sahaya Prabahar (R1)
Additional Public Prosecutor
Mr.T.Lenin Kumar (R2)



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.33 of 2020, on the file of the first respondent police.

2.The case of the prosecution is that the first petitioner and the second respondent are husband and wife. Due to harassment, the second respondent has lodged a complaint against the petitioners.

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. Both the learned counsels represented that since the defacto complainant and the first petitioner settled their issue before Mediation, they are living together and the defacto complainant did not want to continue the criminal proceedings against the accused persons.

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



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were also present in person before this Court and they were identified by Ms.S.Amutha, SSI of Police, AWPS, Thirupparankundram Police Station. 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 matrimonial 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 498(A), 406 and 506(i) IPC.

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.33 of 2020 pending before the first respondent 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.33 of 2020 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, connected miscellaneous petitions are closed.

01.07.2022

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

To

1. The Inspector of Police,
All Women Police Station,
Thirupparankundram, Madurai City.
Cr.No.33 of 2020.

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



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V.SIVAGNANAM, J.

PNM

ORDER IN
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