



Crl.O.P.(MD) No.12295 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.12295 of 2022

L.S Chellapillai,

: Petitioner

Vs

1. The Inspector of Police,
All Women Police Station,
Thiruparankuntram, Madurai.
Crime.No.42/2009.

2. Jeya Seetha,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in C.C.No. 304 of 2014 on the file of the learned Additional Mahila court, Madurai and quash the said charge sheet in C.C.No. 304 of 2014 as against the petitioner.

For Petitioner	: M/s. Dhanaseelan.C,
For R1	: Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.304 of 2014, pending on the file of the learned Additional Mahila Court, Madurai, for the offences punishable under Sections 494, 498(a) r/w 109 and Section 4 of Dowry Prohibition Act, in Crime No.42 of 2009.

2.The case of the prosecution is that due to matrimonial dispute, the defacto complainant lodged a complaint and for the same, FIR had been registered in Crime No.42 of 2009. After investigation, charge sheet had been filed before the learned Additional Mahila Court, Madurai and the same has been taken on file in C.C.No.304 of 2014.

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. A Joint Memo of Compromise has been filed 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



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Mrs.S.Amutha, SSI of Police, AWPS Tiruparankundram as well as by the learned Counsels appearing for 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 to power to quash the complaint for the offence under Sections 494, 498(a) r/w 109 and Section 4 of Dowry Prohibition 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.304 of 2014, pending on the file of the learned Additional Mahila Court, Madurai, even though, the offences involved are not



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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.304 of 2014, pending on the file of the learned Additional Mahila Court, Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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



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V.SIVAGNANAM, J.

lr

To

1. The Inspector of Police,
All Women Police Station,
Thiruparankuntram, Madurai.

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

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