



CrI.O.P.(MD) No.13177 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.13177 of 2022

1.Bosco Raj

2.Nirmala

3.Arul Dhas @ Ravi

... Petitioners/Accused Nos.1, 6 and 7

Vs.

1.The State of Tamil Nadu,
Represented by,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.31 of 2018).

... 1st Respondent/Complainant.

2.Josephine Rincy

... 2nd Respondent/Defacto Complainant.

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.133 of 2020 on the file of Judicial Magistrate-II, Padmanabhapuram in so far as the petitioners / accused nos.1, 6 and 7 are concerned, quash the same.



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For Petitioners : Mr.A.Rajkumar Sen
For R-1 : Mr.A.Albert James,
Government Advocate,
Criminal Side.
For R-2 : Mr.K.P.Narayanakumar

ORDER

The Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.133 of 2020 on the file of Judicial Magistrate-II, Padmanabhapuram.

2.The case of the prosecution is that due to matrimonial dispute, a case was registered against the petitioners in Crime No.31 of 2018 for offences under Sections 498(A) and 406 I.P.C read with Sections 4 and 6 of the Dowry Prohibition Act, 1961 at the instance of the second respondent. Thereafter, the final report was filed and it was taken on file as C.C.No.133 of 2020 on the file of learned Judicial Magistrate-II, Padmanabhapuram. The petitioners alleged that without any proper



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evidence, a case has been registered against the petitioners. Aggrieved over the same, the present Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.133 of 2020 on the file of Judicial Magistrate-II, Padmanabhapuram.

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 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 Ms.C.Asha, Woman Head Constable 1928, A.W.P.S Marthandam, Kanyakumari District, 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.



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5. In the instant case, the dispute is of matrimonial in nature. The first petitioner is the husband of the second respondent and the second and third petitioners are his relatives. Now, 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) and 406 I.P.C read with Sections 4 and 6 of the Dowry Prohibition Act 1961.

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.133 of 2020 pending before the learned Judicial Magistrate-II, Padmanabhapuram, 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.133 of 2020 on the file of the learned Judicial Magistrate-II, Padmanabhapuram is quashed and the terms of joint compromise memo shall form part and parcel of this order.

26.07.2022

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

To

- 1.The Judicial Magistrate-II,
Padmanabhapuram.
- 2.The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari 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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