



CrI.O.P.(MD) No.13317 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.13317 of 2022

Lalitha,

: Petitioner

Vs

1. State represented by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
Crime No.11 of 2014

2. Reka,

: 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.229 of 2009 on the file of the Learned Additional Mahial Court
(Judicial Magistrate Level), Sivagangai and quash the same as illegal so
far as the petitioner is concerned.



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For petitioner : M/s.Sivabalan K,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.E.Balasubramanian

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.229 of 2009, on the file of the learned Additional Mahial Court (Judicial Magistrate Level), Sivagangai, for the offences punishable under Sections 498(A), 406 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act.

2.The case of the prosecution is that due to family dispute, the defacto complainant was driven out from her matrimonial home. Hence the complaint.

3.The learned Counsel appearing for the petitioner submitted that the first accused is the complainant's husband, second accused is her father-in-law and petitioner/Accused No.3, is her mother-in-law. The



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first accused is at foreign, second respondent died. Since the dispute between the petitioner and the second respondent is settled out of Court, he pleaded to quash the Charge sheet against the petitioner.

4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. 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 Ms.N.Regina, WPC, Sivagangai AWPS 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.

6.In the instant case, the dispute is of personal in nature and the



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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 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act.

7. 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 Gujra**th reported in **(2017)9 SCC 641** were taken into consideration.

8. 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.229 of 2009, on the file of the learned Additional Mahial Court (Judicial Magistrate Level), Sivagangai even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.229 of 2009, on the file of the



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learned Additional Mahial Court (Judicial Magistrate Level), Sivagangai
is quashed and the terms of joint compromise memo shall form part and
parcel of this order.

25.07.2022

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

To
1.The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.

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



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V.SIVAGNANAM, J.

lr

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