



CrI.O.P.(MD) No.13722 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.13722 of 2022

1. Rasu
2. Selvi
3. Sreemathi

... Petitioners

Vs.

1. The Inspector of Police
South All Women Police Station
Madurai District

2. Vasuki

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the First Information Report in CC No.86 of 2015 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same.

For Petitioners	: Mr.B.VinothKumar
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(CrI.Side)
No.2	: Mr.A.Mohamed Yusur



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.86 of 2015 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant in the year 2013 as per hindu rites and customs. After three years of marriage, the first accused tortured the second respondent demanding more dowry and also took her 21 sovereigns gold jewels and went to Singapore. After that all the petitioner herein tortured the defacto complainant and threw her from the matrimonial home. Hence she gave complaint before the second first respondent. The first respondent after completion of investigation, filed final report before the learned Judicial Magistrate, Additional Mahila Court, Madurai and the same has been taken cognizance in CC No.86 of 2015.



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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. Further A1 and A5 not present before this Court and the defacto complainant is also not willing to continue the criminal proceedings as against them also. The petitioners and the second respondent were also present in person before this Court and they were identified by Mrs. S.Sharmili, WSSI, AWPS, South 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 between the husband and wife and his families 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), 506(i) and 406 of 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 CC No.86 of 2015 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai , 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 entire proceedings in CC No.86 of 2015 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

04.08.2022

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

To

1. The Judicial Magistrate, Additional Mahila Court, Madurai
2. The Inspector of Police
South All Women Police Station
Madurai City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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