



CRL.O.P (MD) No.13596 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13596 of 2022

- 1.Rajkumar
- 2.Meenakshi Sundaram @ Sundaram
- 3.Angupandi @ Angammal ... Petitioners/Accused Nos.1 to 3

Vs.

- 1.State Rep. by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.189 of 2021) ... 1st Respondent/Complainant
- 2.Velammal @ Velayi ...2nd Respondent/Defacto Complainant
- 3.Guruvammal ...3rd Respondent/Victim Girl

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceedings in Crime No.189 of 2021 on the file of the Inspector of Police, Koodakovil Police Station, Madurai District.



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For Petitioners : Mr.S.Pandiyaraj
For R1 : Mr.A.Albert James
Government Advocate (Crl.side)
For R2 - R3 : Mr.B.Duraipandi

ORDER

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.189 of 2021 on the file of the Inspector of Police, Koodakovil Police Station, Madurai District.

2.The case of the prosecution is that the defacto complainant's younger daughter namely Guruvammal got married to the first petitioner, five years ago and they have two female children. After marriage, the first petitioner has harassed and physically abused her. At the time of marriage, the defacto complainant gave 12 sovereigns of gold jewels and Sridhana properties worth about Rs.1,50,000/- and the same were sold by the first and second petitioners. Therefore, the third respondent was driven out from the matrimonial home. On 30.11.2021, while the third respondent called the 3rd petitioner and asked to give the children to her, the 3rd petitioner scolded her with filthy language and hence, the third respondent consumed poison. Hence, the case has been registered.

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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.

4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second and respondents and also by their respective counsel. The petitioners and the second and third respondents were also present in person before this Court and they were identified by Mr.A.Suresh, SSI of Police, Koodakovil Police Station, Madurai 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.

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 294(b), 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act.



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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.189 of 2021 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.189 of 2021 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.

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

- 1.TheInspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.189 of 2021)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
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