



CrI.O.P.(MD) No.13883 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.13883 of 2022

1. Subramaniyan
2. Chandrasekaran
3. Padma Sankar
4. Selva karthika

... Petitioners

Vs.

1. The Inspector of Police
All Women Police Station
Pudukottai
Thoothukudi District

2. Suriyakala

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to CC No. 90 of 2021 on the file
of the learned Judicial Magistrate No.III, Thoothukudi and quash the
same as illegal.



Crl.O.P.(MD) No.13883 of 2022

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For Petitioners : Mr.M.Benazir Begum
For Respondents : Mr.A.Albert James
No.1 Government Advocate(Crl.Side)
No.2 : Ms. V. Janaki Devi

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No. 90 of 2021 on the file of the learned Judicial Magistrate No.III, Thoothukudi, for the offences punishable under Sections 294(b), 498(A), 406 of IPC and Sections 2(a) and 4 of TNPHW Act , in Crime No.14 of 2020

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 21.08.2016 as per hindu rites and customs and they are blessed with a male child. Thereafter due to some mis understanding they got separated and she filed a case before the first respondent polcie. After completion of



Crl.O.P.(MD) No.13883 of 2022

investigation, filed final report before the learned Judicial Magistrate No.III, Thoothukudi and the same has been taken cognizance in CC No. 90 of 2021

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 Mrs. A.Mariya Vijaya, WHC 1700, Pudukottai AWPS, Thoothukudi 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.



Crl.O.P.(MD) No.13883 of 2022

WEB COPY

5. In the instant case, the wife is the complainant and accused are husband, father-in-law, mother-in-law and sister-in-law 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), 498(A), 406 of IPC and Sections 4 of TNPHW 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 CC No. 90 of 2021 on the file of the learned Judicial Magistrate No.III, Thoothukudi , even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD) No.13883 of 2022

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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in CC No. 90 of 2021 on the file of the learned Judicial Magistrate No.III, Thoothukudi 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 No.III, Thoothukudi
2. The Inspector of Police
All Women Police Station
Pudukottai
Thoothukudi District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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Crl.O.P.(MD) No.13883 of 2022

V.SIVAGNANAM, J.

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Crl.O.P.(MD) No.13883 of 2022

04.08.2022