



Crl.O.P.(MD) No.14487 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14487 of 2022

Prabakaran

... petitioner/sole accused

Vs

1.The State represented by its
Inspector of Police,
Alanganallur,
Madurai District.
(Crime No.141 of 2021)

...R-1/Complainant

2.Rathinamani

... R-2/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the First Information Report in Crime No.141 of 2021 dated 23.04.2021 pending on the file of the 1st respondent and quash the same.

For petitioner : Mr.V.Sukumar

For R-1 :Mr.A.Albert James,
Government Advocate (crl. side)

For R-2 :Mr.N.Syed Ali



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report, dated 23.04.2021 in Crime No.141 of 2021, for the offences under Sections 341, 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, pending on the file of the 1st respondent police.

2.The case of the prosecution is that the the defacto complainant is undergoing college education in Senthamarai College. The allegation against the petitioner is that he threatened the defacto complainant and forced to marry him and also hit her and caused injury.

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 petitioner and the second respondent and



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also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified 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 341, 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment 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



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proceedings in Crime No.141 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.141 of 2021 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

17.08.2022

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

1. The State represented by its
Inspector of Police,
Alanganallur,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

ksa

ORDER IN
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