



Crl.O.P.(MD) No.14735 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.14735 of 2022

V.K.A.Vijayaraj,

: Petitioner

Vs

1.State represented by
The Inspector of Police,
All Women Police Station, Nilakkottai,
Dindigul District
(Crime No. 8 of 2016).
(C.C.No.262 of 2016)

2. Rajeshwari,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the case in C.C.No. 262 of 2016, on the file of the learned Judicial Magistrate, Nilakkottai and quash the same against the petitioner.

For petitioner : M/s.Guhan K,

For R1 : Mr.A.Albert James,

Government Advocate (Crl.Side)



Crl.O.P.(MD) No.14735 of 2022

ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No. 262 of 2016, on the file of the learned Judicial Magistrate, Nilakkottai, for the offences punishable under Sections 294(b), 406 and 506(i) of IPC, in Crime No.8 of 2016.

2.The case of the prosecution is that due to family dispute, the defacto complainant lodged a complaint against the accused persons, for which, an FIR in Crime No.8 of 2016 had been registered. After investigation, charge sheet had been filed before the learned Judicial Magistrate, Nilakkottai and the same was taken on file as C.C.No. 262 of 2016.

3.The complainant and her husband present before this Court. The complainant stated that she was compromised with all the accused persons in Crime No.8 of 2016 and further, she did not like to continue the proceedings against them.

4.The case is under trial. By passage of time, the parties have decided



Crl.O.P.(MD) No.14735 of 2022

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 Mrs.M.Susica, WSSI of Police, Nillakottai All Women Police Station 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 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), 406 and 506(i) of IPC.

7. The legal position expressed by the Hon'ble Apex Court in the case



Crl.O.P.(MD) No.14735 of 2022

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.

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. 262 of 2016, on the file of the learned Judicial Magistrate, Nilakkottai, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the entire proceedings in C.C.No. 262 of 2016, on the file of the learned Judicial Magistrate, Nilakkottai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

17.08.2022

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

To
1.The Inspector of Police,

4/6



Crl.O.P.(MD) No.14735 of 2022

All Women Police Station, Nilakkottai,
Dindigul District

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



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Crl.O.P.(MD) No.14735 of 2022

V.SIVAGNANAM, J.

lr

ORDER IN
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