



Crl.O.P.(MD) No.15139 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15139 of 2022

1. Vigneshwaran

2. Alagarsamy

... Petitioners/ Accused No.1 & 2

Vs

1. The State Represented by

The Inspector of Police,
Alanganallur Police Station,
Madurai District.

Crime No.129 of 2018

.... 1st Respondent /Complainant

2. Archana

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the proceedings in C.C.No.71 of 2019, pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai and quash the same.

For Petitioners : Mr.R.L.Dhilipan Pandian

For R1 : Mr.A.Albert James

Government Advocate (Crl.side)

For R2 : Mr.L.Siva



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.71 of 2019, pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai, in Crime No.129 of 2018, for the offences punishable under Sections 294(b), 323 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, dated 22.04.2018, on the file of the first respondent Police.

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel for the petitioners submitted that the defacto complainant and the accused persons settled the matter out of the Court and they have been filed a Joint Memo of Compromise 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 the



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learned Government Advocate (Crl.Side) and Mr.V.Bose, SSI, Palamedu Police Station, Madurai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 offences punishable under Sections 294(b), 323 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

5. 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.

6. 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.71 of 2019 pending before the Judicial Magistrate



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Court, Vadipatti, Madurai, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.71 of 2019, on the file of the learned Judicial Magistrate, Vadipatti, Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

24.08.2022

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

1. The Judicial Magistrate Court,
Vadipatti, Madurai.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

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ORDER IN
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