



Crl.O.P.(MD) No.14932 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14932 of 2022

1. Manikandan,

2. Vaithegi,

3. Vijayan,

4. Kannan,

: Petitioners

Vs

1. State represented by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District
(Crime No. 51 of 2021).

2. Sona,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No. 66 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari



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and quash the same.

For Petitioners : Mr.Ramsh Raja.P.T,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.R.Pon Karthikeyan

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No. 66 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari, for the offences punishable under Sections 498(A), 406, 294(b), 323 and 506(2) of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.51 of 2021.

2.The case of the prosecution is that due to matrimonial dispute, the accused persons harassed the defacto complainant and also demanded additional dowry. Hence the complaint.

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



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among themselves.

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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.N.Thangam, WHC of Police, AWPS Nagercoil 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 498(A), 406, 294(b), 323 and 506(2) of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961.

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



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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 C.C.No. 66 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari, 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 C.C.No. 66 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari is quashed and the terms of joint compromise memo shall form part and parcel of this order.

22.08.2022

Internet: Yes
Index: Yes/No
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To

1.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District

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



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V.SIVAGNANAM, J.

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