



Crl.O.P.(MD) No.15143 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15143 of 2022

and

Crl.M.P(MD) Nos.9923 & 9924 of 2022

1. Ramkumar
2. Poosai Durai
3. Balamurugan

... Petitioners/ Accused No.1 to 3
Vs

1. The State Represented by
The Sub Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.
In Crime No.340 of 2020)

.... 1st Respondent /Complainant

2. Pitchandi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the proceedings in C.C.No.192 of 2020, on the file of the learned Judicial Magistrate, Sivagiri, and quash the same as illegal.



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For Petitioners : Mr.G.Anto Prince
For R1 : Mr.A.Albert James
Government Advocate (Crl.side)
For R2 : M/s.Smeena

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.192 of 2020, on the file of the learned Judicial Magistrate, Sivagiri, in Crime No.340 of 2020, for the offences punishable under Sections 447, 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, dated 05.08.2020, 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



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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 learned Government Advocate (Crl.Side) and Mr.M.Selvakrishnan, Sivagiri Police Station, Tirunelveli 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 447, 506(i) 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.



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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.192 of 2020 pending before the learned Judicial Magistrate, Sivagiri, 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.192 of 2020, on the file of the learned Judicial Magistrate, Sivagiri, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected Miscellaneous Petitions are closed.

24.08.2022

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

1. The Judicial Magistrate Court,
Sivagiri.

2. The Sub Inspector of Police,
Sivagiri Police Station,
Tirunelveli 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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