



CrI.O.P.(MD) No.18044 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2022

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.(MD) No.18044 of 2022

Senthil Murugan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Town All Women Police Station,
Tirunelveli City,
Tirunelveli District.

2.Jeyalakshmi

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records connected with the impugned charge sheet in C.C.No.646 of 2021 on the file of the learned Judicial Magistrate No.IV, Tirunelveli and quash the same as illegal.

For Petitioner : Mr.S.Ramesh Kumar
For Respondents : Mr.S.Manikandan
Government Advocate (CrI.Sidefor R.1

Mrs.Jeyalakshmi for R.2



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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.646 of 2021 on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

2. The case of the prosecution is that the petitioner is a married person and the second respondent fell in love with the petitioner. The petitioner gave assurance to the second respondent that he would marry her after getting divorce from his wife and maintained the relationship with her, for which a case has been registered in Crime No.5 of 2021 and after investigation the case has been charge sheeted in C.C.No.646 of 2021 on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

3. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Based upon the complaint given by the second respondent FIR was lodged against the petitioner in Crime No.5 of 2021 and after investigation final report has been filed and taken cognizance in C.C.No.646 of 2021 on the file of the learned Judicial Magistrate No.IV, Tirunelveli. The defacto complainant is aged about 24 years and a graduate of B.A. and wanted to withdraw the proceedings against the petitioner as a dispute between them was settled by amicably by the family members. The defacto complainant appeared in person along with her counsel before this Court and she



admits that the petitioner already married and she is not interested to prosecute the case.

4. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. 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.

5. In the instant case, the dispute between the parties have been compromised out of court. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 417, 376 and 506(1) of IPC.

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 proceedings in



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C.C.No.646 of 2021 on the file of the learned Judicial Magistrate No.IV, Tirunelveli,
even though, the offences involved are not compoundable in nature.

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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel,
the proceedings in C.C.No.646 of 2021 on the file of the learned Judicial Magistrate
No.IV, Tirunelveli is quashed and the terms of joint compromise memo shall form
part and parcel of this order.

07.10.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
btr/sm

To

- 1.The Judicial Magistrate No.IV,
Tirunelveli.
- 2.The Inspector of Police,
Town All Women Police Station,
Tirunelveli City,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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T.V.THAMILSELVI, J.

btr/sm

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