



Crl.O.P.(MD)No.22115 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22115 of 2022

1.Kannan

2.Muthu

3.Jeyalakshmi

4.Murugeswari

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.52 of 2017)

2.Pandiselvi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in C.C.No.934 of 2022 on the file of the Judicial Magistrate, Thirumangalam and quash the same.



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For Petitioners : Mr.D.S.Haroon Rasheed
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.A.Balaji

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the Charge Sheet in C.C.No.934 of 2022 on the file of the Judicial Magistrate, Thirumangalam and quash the same.

2. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.52 of 2017 and after investigation the same was taken cognizance in C.C.No.934 of 2022 on the file of the Judicial Magistrate, Thirumangalam against five persons including the petitioners/accused 1 to 4 for the offences under Sections 498(A), 406, 294(b) and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. He would further submit that the fifth accused is concerned, he is in abroad.



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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.

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 counsels. The petitioners and the second respondent are present before this Court and and they were identified by M/s.N.Divya, Sub Inspector, All Women Police Station, Thirumangalam 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, it is a matrimonial dispute 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) and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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



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(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.934 of 2022 pending before the Judicial Magistrate, Thirumangalam, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.934 of 2022, on the file of the Judicial Magistrate, Thirumangalam, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

19.12.2022

Index : Yes / No
Internet : Yes / No
csm



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WEB COPY To

- 1.The Judicial Magistrate,
Thirumangalam.
2. The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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