



Crl.O.P.(MD)No.971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.C.Karthigai Selvam

2.Chandrasekar @ Chandrasekaran

3.Kalaiselvi

4.Rani

5.Selvalakshmi

6.Vijayalakshmi

7.Arumugam

... Petitioners/
Accused

Vs.

1.State represented by its
The Inspector of Police,
All Women Police Station,
Virudhunagar.
(Crime No.12 of 2013)

2.State represented by its
The Deputy Superintendent of Police,
Virudhunagar.

...Respondents 1&2/
Complainants



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3.Karpagavalli

... 3rd Respondent/
Defacto
Complainant/
Victim

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Spl.S.C.No.2 of 2014 on the file of the Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar District at Srivilliputtur and quash the same.

For Petitioners : Mr.M.Ganesh Pandi
For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R3 : Mr.R.Venkateshwaran

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 Spl.S.C.No.2 of 2014 on the file of the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar District at Srivilliputtur and quash the same.

2. The case of the prosecution is that the marriage between the first petitioner and the third respondent/defacto complainant was solemnized



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on 17.02.2012 and it is a love marriage, that the third respondent belongs to the scheduled caste and that after marriage, the petitioners had abused the third respondent in filthy language, demanded dowry from her and also attacked her.

3. The learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.12 of 2013 and after investigation and filing of the final report by the second respondent, the case was committed to the Sessions Court and the same is pending in Spl.S.C.No.2 of 2014 on the file of the Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar District at Srivilliputtur for the offences under Sections 498(A) and 506(1) IPC, Section 4 of Dowry Prohibition Act and Section 3(l)(x) of SC/ST Act against the petitioners. He would further submit that the matter was settled between the parties before the Lok Adalat, which was conducted on 07.06.2022 by the Taluk Legal Services Committee, Virudhunagar and he has produced the copy of the settlement memo.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the third respondent has already repaid a sum of Rs.15,000/-, which was received by her earlier from the concerned Government authorities.

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

6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsels. The petitioners and the third respondent are present before this Court and and they were identified by M/s.Maheswari, Virudhunagar All Women Police Station, 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.

7. In the instant case, it is a matrimonial dispute and the parties had compromised. Where the parties have compromised the matter, the



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High Court has to power to quash the complaint for the offence under Sections 498(A) and 506(1) IPC, Section 4 of Dowry Prohibition Act and Section 3(1)(x) of SC/ST Act.

8. 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.

9. 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 Spl.S.C.No.2 of 2014 pending before the Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar District at Srivilliputtur, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.2 of 2014, on the file of the Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar



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District at Srivilliputtur, is quashed and the joint compromise memo shall form part and parcel of this order.

15.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Sessions Judge,
Special Court for trial of cases registered under SC/ST (POA) Act,
Virudhunagar District at Srivilliputtur.
- 2.The Inspector of Police,
All Women Police Station,
Virudhunagar.
- 3.The Deputy Superintendent of Police,
Virudhunagar.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.971 of 2023

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