



CrI.O.P.(MD)No.2032 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.2032 of 2023

Kandhavel

... Petitioner

Vs.

1.The State Rep by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.1607 of 2020)

2.Kushbu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the impugned FIR in Crime No.1607 of 2020 on the file of the Inspector of Police, Vadipatti Police Station, Madurai and quash the same.

For Petitioner : Mr.K.Dhanaraj



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For R1 : Mr.M.Muthumanikkam
Government Advocate (CrI. Side)

For R2 : Mr.G.Manikandan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records in connection with the impugned FIR in Crime No.1607 of 2020 on the file of the Inspector of Police, Vadipatti Police Station, Madurai and quash the same.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The petitioner said to have an affair with his brother's wife and the same was questioned by the defacto complainant, due to which, threatened her and also attacked her. Thereafter, on 12.08.2020 she consumed poison and got admitted in the Government Hospital, Vadipatti.



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3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.1607 of 2020 dated 12.08.2020 for the offences under Sections 294(b), 323, 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioner.

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

5. 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. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.A.Muthukrishnan, Head Constable-394, T.Vadipatti 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.



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6. In the instant case, it is a family dispute and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 323, 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

7. 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.

8. 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 Crime No.1607 of 2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1607 of 2020 on the file of the



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first respondent police, is quashed and the terms of joint compromise
memo shall form part and parcel of this order.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Inspector of Police,
All Women Police Station,
Thiruverumbur Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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