



Crl.O.P.(MD)No.2486 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2486 of 2023

1.Thangapandi @ Kamalakannan

2.Achuthan

3.Vijayalakshmi

4.Thirumalairajan

5.Vennila @ Vennila Jothi

... Petitioners/
Accused 1to5

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Virudhunagar.
(Crime No.13 of 2022)

... 1st Respondent/
Complainant

2.Aruna

... 2nd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to FIR in Crime



Crl.O.P.(MD)No.2486 of 2023

No.13 of 2022 dated 15.07.2022 on the file of the Inspector of Police, All Women Police Station, Virudhunagar and quash the same as against the petitioners.

For Petitioners : Mr.P.Balan

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

For R2 : Mr.P.Chellapandi

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.13 of 2022 on the file of the first respondent police and quash the same as against the petitioners.

2. The case of the prosecution is that the marriage between the first petitioner and second respondent/defacto complainant was solemnized on 14.02.2020, that after marriage, the second respondent found that the first petitioner is an impotent and when she informed the same to the other petitioners, they have subjected her to cruelty and that the fourth petitioner had informed the second respondent that she should adjust with him.



Crl.O.P.(MD)No.2486 of 2023

3. When the matter is taken up for hearing today, 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.13 of 2022 dated 15.07.2022 for the offences under Sections 498(A), 406, 323 and 506(2) IPC against the petitioners.

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 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 M/s.Maheswari, Women Head Constable 467, 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.



Crl.O.P.(MD)No.2486 of 2023

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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 498(A), 406, 323 and 506(2) IPC.

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.13 of 2022 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.13 of 2022 on the file of the



Crl.O.P.(MD)No.2486 of 2023

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

03.03.2023

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

To

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



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Crl.O.P.(MD)No.2486 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.2486 of 2023

Dated: 03.03.2023