



Crl.O.P.(MD)No.2801 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.2801 of 2023
and Crl.M.P.(MD)Nos.2543 and 2544 of 2023

1.Mohamed Kaleel

2.Abdul Majith

3.Syed Sulthan Beevi

4.Mumtaj Yasmin

5.Mohamed Fathima

6.Aysath Nooriya

7.Mohamed Saleem

... Petitioners/
Accused 1to7

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
(Crime No.8 of 2018)

... 1st Respondent/
Complainant

2.Pireen Fathima

... 2nd Respondent/
Defacto
Complainant



Crl.O.P.(MD)No.2801 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Charge Sheet in C.C.No.4 of 2023 on the file of Judicial Magistrate, Additional Mahila Court, Ramanathapuram and quash the same as illegal.

For Petitioners : Mr.K.Althaf Sheriff
for M/s.Ajmal Associate

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

For R2 : Mr.J.M.Hassanul Bazari

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the case in C.C.No.4 of 2023 pending before the Judicial Magistrate, Additional Mahila Court, Ramanathapuram and quash the same.

2. The case of the prosecution is that the marriage between the first petitioner and the second respondent/defacto complainant was solemnized on 21.02.2015 and at the time of marriage, 50 sovereigns of gold jewels and Rs.8,50,000/- cash were given to the first petitioner as dowry, that due to wedlock, they have been blessed with two children and that after the marriage, the first petitioner demanded additional dowry from the second respondent's parents at the instigation of the other



Crl.O.P.(MD)No.2801 of 2023

accused and abused the second respondent in filthy language and also threatened her with dire consequences.

3. 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.8 of 2018 against nine persons including the petitioners herein and after investigation and filing of the final report, the same was taken cognizance in C.C.No.4 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram, for the offences under Sections 498(A), 294(b), 406 and 506(1) IPC and Section 4 of Dowry Prohibition Act, 1961 against the petitioners herein.

4. The learned counsel appearing for the petitioners as well as the second respondent would submit that the first petitioner and the second respondent had already reunited.

5. The case is under trial. Since the first petitioner and the second respondent were already reunited, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



Crl.O.P.(MD)No.2801 of 2023

6. 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 first petitioner and the seventh petitioner appeared before this Court through Video Conferencing and the petitioners 2 to 6 and the second respondent are present before this Court and they were all identified by the respondent police 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 High Court has to power to quash the complaint for the offence under Sections 498(A), 294(b), 406 and 506(1) IPC and Section 4 of Dowry Prohibition Act, 1961.

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 Gujraath*** reported in ***(2017)9 SCC 641*** were taken into consideration.



Crl.O.P.(MD)No.2801 of 2023

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 C.C.No.4 of 2023 before the Judicial Magistrate, Additional Mahila Court, Ramanathapuram, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.4 of 2023, on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

03.03.2023

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



Crl.O.P.(MD)No.2801 of 2023

K.MURALI SHANKAR,J.

csn

To

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

Order made in
CrI.O.P.(MD)No.2801 of 2023
and CrI.M.P.(MD)Nos.2543 and 2544 of 2023

Dated: 03.03.2023