



Crl.O.P.(MD)No.3633 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3633 of 2023

and

Crl.M.P.(MD)No.3258 of 2023

1.Palanivelu

2.Saratha

3.Chidambaram

... Petitioners/
Accused 1to3

Vs.

1.The Inspector of Police,
All Women Police Station,
Sivagangai.
(Crime No.11 of 2021)

... Respondent/
Complainant

2.Pavithra

... Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the C.C.No.66 of 2022 pending before the learned Additional Mahila Court (JM Level), Sivagangai and quash the same.



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For Petitioners : Mr.C.Masilamani
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.J.N.Mohamed Salman Yusuf

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the impugned Charge Sheet in C.C.No.66 of 2022 on the file of the learned Additional Mahila Court (JM Level), Sivagangai 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 08.09.2016, that after the marriage, the petitioners demanded dowry from the second respondent, that the second respondent has become pregnant and at that time, the petitioners 2 and 3 instructed her to abort the child, that due to mangalya dosha, the second respondent was driven out of the matrimonial home, that after the birth of a male child, the first petitioner and the second respondent jointly lived for 7 months and that thereafter, the first petitioner demanded dowry from the



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second respondent and the petitioners abused her in filthy language and also driven her out of the matrimonial home.

3. The learned counsel appearing for the petitioners would submit that on the basis of the direction issued by the learned Judicial Magistrate No.2, Sivagangai, FIR came to be registered in Crime No.11 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.66 of 2022 on the file of the Additional Mahila Court (JM level), Sivagangai for the offences under Sections 498(A), 294(b) and 323 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioners.

4. The learned counsel appearing for the second respondent would submit that the second respondent has filed a divorce petition and the same is pending.

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.



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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 petitioners and the second respondent are present before this Court and and they were identified by M/s.N.Regina, Women Police Constable 1448, All Women Police Station, Sivagangai 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) and 323 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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.



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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.66 of 2022 pending before the Additional Mahila Court (JM Level), Sivagangai, 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.66 of 2022, on the file of the Additional Mahila Court (JM Level), Sivagangai is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

28.02.2023

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

To

- 1.The Additional Mahila Court (JM Level),
Sivagangai.
- 2.The Inspector of Police,
All Women Police Station,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR,J.

csn

Order made in
CrI.O.P.(MD)No.3633 of 2023
and
CrI.M.P.(MD)No.3258 of 2023

Dated: 28.02.2023