



Crl.O.P.(MD)No.19690 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.19690 of 2021
and Crl.M.P.(MD)No.11041 of 2021

1.Sankar @ Prabakaran

2.Pradeepa

... Petitioners

Vs.

1.The State Rep by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(In Crime No.1668 of 2020)

2.Pandiyammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in the charge sheet in C.C.No.84 of 2021 on the file of the learned Judicial Magistrate, Vadipatti and quash the same as against the petitioners concern.

For Petitioners : Mr.H.Mohamed Imran

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



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For R2

: Mr.K.Dhanaraj

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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records in the charge sheet in C.C.No.84 of 2021 on the file of the learned Judicial Magistrate, Vadipatti and quash the same as against the petitioners concern.

2.The case of the prosecution is that the brother of the defacto complainant's husband, one Kandavel got married to one Kushbu. Due to the quarrel between them, Kushbu consumed poison on 12.08.2020, for which, the petitioners abused the defacto complainant in filthy language, attacked her and 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



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No.1668 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.84 of 2021 on the file of the Judicial Magistrate, Vadipatti for the offences under Sections 147, 294(b), 323, 324, 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioners.

4.The case is under trial. 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 counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.A.Muthukrishnan, Head Constable-394, 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, the dispute is of personal in nature 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 147, 294(b), 323, 324, 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 C.C.No.84 of 2021 as against the petitioners pending before the Judicial Magistrate, Vadipatti, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.84 of 2021, on the file of the Judicial Magistrate,



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Vadipatti, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate,
Vadipatti.
- 2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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