



Crl.O.P.(MD)No.22760 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22760 of 2022

Naveenraj

... Petitioner/
1st Accused

Vs.

1.The State by
The Inspector of Police,
All Women Police Station,
Dindigul.

... 1st Respondent/
Complainant

2.Keerthi

... 2nd Respondent/
LW1 (Defacto
Complainant)

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.43 of 2018 on the file of the Additional Mahila Court (Judicial Magistrate Level), Dindigul and quash the same.

For Petitioner : Mr.D.Venkatesh

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

For R2 : Mr.T.Lenin Kumar



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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 pertaining to the case in C.C.No.43 of 2018 pending before the Additional Mahila Court (Judicial Magistrate Level), Dindigul and quash the same.

2. The case of the prosecution is that the marriage between the petitioner and the second respondent/defacto complainant was solemnized on 15.02.2013, that after the marriage, at the instigation of the other accused, the petitioner had demanded additional dowry from the second respondent and also forcibly sent her to her parental house and that during December 2013, she returned to matrimonial home with a sum of Rs.5,00,000/- as additional dowry and even thereafter the petitioner abused the second respondent in filthy language and also threatened her with dire consequences for want of further dowry.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first



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respondent and on that basis, FIR came to be registered in Crime No.11 of 2016 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.43 of 2018 on the file of the Additional Mahila Court (Judicial Magistrate Level), Dindigul, for the offences under Sections 406, 498(A), 294(b), 506(1) r/w 109 IPC, Section 4 of Dowry Prohibition Act and Section 4 of TN Prohibition of Harassment of Women Act against 6 persons including the petitioner herein.

4. The learned counsel appearing for the petitioner as well as the second respondent would submit that the petitioner and the second respondent had already reunited and they are living together for the past 6 months.

5. The case is under trial. Since the petitioner and the second respondent were living together without any issue, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and



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also by their respective counsels. The petitioner and the second respondent are present before this Court and they were identified by M/s.G.Vasanthi, Special Sub Inspector, All Women Police Station, Dindigul 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 406, 498(A), 294(b), 506(1) r/w 109 IPC, Section 4 of Dowry Prohibition Act and Section 4 of TN Prohibition of Harassment of Women Act.

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.43 of 2018 as against the petitioner pending before the Additional Mahila Court (Judicial Magistrate Level), Dindigul, 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.43 of 2018, on the file of the Additional Mahila Court (Judicial Magistrate Level), Dindigul, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

15.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

csn

To

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

Order made in
Crl.O.P.(MD)No.22760 of 2022

Dated: 15.02.2023