



Crl.O.P.(MD)No.20763 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.20763 of 2022

and

Crl.M.P.(MD)Nos.14460 and 14461 of 2022

Anandh

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.
(Crime No. 56 of 2022)

2.Baby Joy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.866 of 2022 on the file of the learned Judicial Magistrate, Eraniel and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

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

For R2 : Mr.B.Arun Prasath



Crl.O.P.(MD)No.20763 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records in C.C.No.866 of 2022 on the file of the learned Judicial Magistrate, Eraniel and to quash the same.

2. The case of the prosecution is that there existed matrimonial dispute between the petitioner and the second respondent, due to which, the petitioner abused the defacto complainant in filthy language and also attacked her. Hence, she lodged a complaint.

3. The learned counsel appearing for the petitioner 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.56 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.866 of 2022 on the file of the Judicial Magistrate, Eraniel, for the offences under Sections 294(b), 323 and 506(ii) IPC against the petitioner.



Crl.O.P.(MD)No.20763 of 2022

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 petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.Mohandas, SSI, Manavalakurichi 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.

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 294(b), 323 and 506(ii) 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



Crl.O.P.(MD)No.20763 of 2022

(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.866 of 2022 as against the petitioner pending before the Judicial Magistrate, Eraniel, 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.866 of 2022, on the file of the learned Judicial Magistrate, Eraniel, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



Crl.O.P.(MD)No.20763 of 2022

WEB COPY

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



WEB COPY



Crl.O.P.(MD)No.20763 of 2022

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.20763 of 2022
and
Crl.M.P.(MD)Nos.14460 and 14461 of 2022

Dated: 16.02.2023