



Crl.O.P.(MD)No.22252 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.22252 of 2022

and

CrI.M.P.(MD)No.15720 of 2022

1.G.Ragupandi

2.R.Abinesh

... Petitioners/
Accused 1 & 2

Vs.

1.The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
(Crime No.127 of 2021)

... 1st Respondent/
Complainant

2.Sundarambal

... 2nd Respondents/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Final Report in C.C.No.841 of 2021 on the file of the learned Additional Mahila Court, Madurai in Crime No.127 of 2021 dated 27.03.2021 and quash the same as illegal.



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For Petitioners : Mr.T.Lajapathi Roy, Senior Counsel
for Mr.S.Rajasekar

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

For R2 : Mr.G.Karthik

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the Final Report in C.C.No.841 of 2021 on the file of the learned Additional Mahila Court, Madurai in Crime No.127 of 2021 dated 27.03.2021 and quash the same as illegal.

2. The case of the prosecution is that there was a wordy quarrel between the parties regarding parking of a vehicle, due to which, the petitioners abused the second respondent/defacto complainant in filthy language.

3. The learned Senior 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.127



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of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.841 of 2021 on the file of the Additional Mahila Court, Madurai for the offences under Sections 294(b) and 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.D.Ramesh, Sub Inspector, B1 Vilakkuthoon Police Station, Madurai 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 294(b) and 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.841 of 2021 pending before the Additional Mahila Court, Madurai, 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.841 of 2021, on the file of the Additional Mahila



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Court, Madurai, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

15.02.2023

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

To

- 1.The Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

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Dated: 15.02.2023