



Crl.O.P.(MD)No.22317 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22317 of 2022

1.Jeyakumar

2.Sangareswari

3.Rajasekar

... Petitioners

Vs.

1.The State through
The Inspector of Police,
Tallakulam All Women Police Station,
Madurai,
Madurai District.
(Crime No.3 of 2018)

2.J.Chandralekha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned Charge Sheet in C.C.No.383 of 2019 on the file of the learned Additional Mahila Court (JM Level), Madurai, Madurai District and quash the same as illegal.



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For Petitioner : Mr.R.Babu Jaganath
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.Karthikeyan

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.383 of 2019 on the file of the learned Additional Mahila Court (JM Level), Madurai, Madurai District and quash the same as illegal.

2. The case of the prosecution is that the marriage between the first petitioner and the second respondent/defacto complainant was solemnized on 08.03.2017 and that after the marriage, there existed matrimonial dispute between them, due to that, the petitioners assaulted the second respondent and abused her in filthy language.



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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 No.3 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.383 of 2019 on the file of the Additional Mahila Court (JM level), Madurai, Madurai District for the offences under Sections 406, 294(b), 498(A) and 506(2) IPC against the petitioners.

4. The case is under trial. Since the marriage between the first petitioner and the second respondent was already dissolved, 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 M/s.K.Pramila, Women Special Sub Inspector (3004), All Women Police Station, Tallakulam as well as by the learned counsels appearing for the



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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, 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, 294(b), 498(A) and 506(2) 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 ***(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.383 of 2019 pending before the Additional Mahila Court (JM Level), Madurai, Madurai District, 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.383 of 2019, on the file of the Additional Mahila



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Court (JM Level), Madurai, Madurai District, is quashed and the joint compromise memo shall form part and parcel of this order.

10.01.2023

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

To

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



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.22317 of 2022

Dated: 10.01.2023