



CrI.O.P.(MD)No.22451 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.22451 of 2022

and

CrI.M.P.(MD)No.15846 of 2022

- 1.Manickavasagam @ Karthick
- 2.Thanumalayaperumal
- 3.Lekshmi
- 4.Ramani
- 5.Kalaivani
- 6.Arun
- 7.Suresh

... Petitioners

Vs.

- 1.State represented by
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
(Crime No.47 of 2021)

- 2.Valsala @ Rooba

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned



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Charge Sheet in C.C.No.45 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil and quash the same.

For Petitioners : Mr.R.J.Karthick,
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.D.Rajagopal

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in C.C.No.45 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil and quash the same as against the petitioners.

2. The case of the prosecution is that the marriage between the first petitioner and second respondent/defacto complainant was solemnized on 22.01.2018, that there existed matrimonial dispute between them, the petitioners abused the second respondent and also assaulted her. Hence, she lodged a complaint.



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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.47 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.45 of 2022 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil for the offences under Sections 498(A), 406, 294(b), 506(ii) IPC and Section 4 and 6 of Dowry Prohibition Act 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 M/s.P.Thankam, W.S.S.I, 201, All Women Police Station, Nagercoil, Kanyakumari District as well as by the learned counsels appearing for



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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, it is a family dispute and now 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 498(A), 406, 294(b), 506(ii) IPC and Section 4 and 6 of Dowry Prohibition Act.

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.45 of 2022 as against the petitioners pending before the Additional Mahila Court (Magisterial Level), Nagercoil, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.45 of 2022, on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, 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.

11.01.2023

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

To

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



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22451 of 2022
and
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Dated: 11.01.2023