



Crl.O.P.(MD)No.22582 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22582 of 2022

1.Dhinu Rakesh

2.Muthu Surendran

3.Shanthi Arul Kala

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Nagercoil,
kanyakumari District.
(Crime No.65 of 2020)

2.Sunitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR in Crime No.65 of 2020 dated 19.12.2020 on the file of the first respondent police for the alleged offences under Sections 498(A), 294(b), 323, 379 and 506(2) IPC, Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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For Petitioners : Mr.M.Subbiah
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.H.Vimal Prasad

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.65 of 2020 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that the marriage between the first petitioner and second respondent/defacto complainant was solemnized on 11.12.2019, that there existed matrimonial dispute between them and that the petitioners harassed the second respondent by demanding dowry.

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.65



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of 2020 dated 19.12.2020 for the offences under Sections 498(A), 294(b), 323, 379 and 506(2) IPC, Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 against four persons including the petitioners. He would further submit that the fourth accused Chella Vasana had died on 14.11.2021.

4. The learned counsel appearing for the petitioners would further submit that at the time of marriage, the second respondent's father gave a sum of Rs.8,00,000/- to the petitioners and that the petitioners had returned a sum of Rs.3,00,000/- and gold jewels to the second respondent.

5. As per the compromise agreement, the balance amount of Rs.5,00,000/- (Rupees Five Lakhs only) has been paid by way of Demand Draft to the second respondent before this Court.

6. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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7. 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 counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by M/s.K.Santhi, Women Special Sub Inspector, All Women Police Station, Nagercoil, Kanyakumari District 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.

8. In the instant case, it is a matrimonial dispute and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 498(A), 294(b), 323, 379 and 506(2) IPC, Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

9. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in



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(2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath) reported in *(2017)9 SCC 641* were taken into consideration.

10. 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 Crime No.65 of 2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.65 of 2020 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

12.01.2023

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



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K.MURALI SHANKAR,J.

csn

To

- 1.The Inspector of Police,
All Women Police Station,
Nagercoil,
kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.22582 of 2022

Dated: 12.01.2023