



Crl.O.P.(MD)No.23082 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1. Pravin,

2. Muralitharan,

3. Sheela,

4. Prashitha,

5. Sutheesh,

6. Bindu,

: Petitioners

Vs

1. State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District

2. Akshaya,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the FIR made in Crime No.13 of 2022, dated 09.02.2022 and quash the same

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illegal on the file of the first respondent police.

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For Petitioners : Mr.N.S.Ramakrishna Dass
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.L.George Paul Anto

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.13 of 2022 on the file of the first respondent police and quash the same as illegal.

2. The case of the prosecution is that due to matrimonial dispute, the defacto complainant lodged the complaint before the respondent police.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that



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basis, FIR came to be registered in Crime No.13 of 2022 dated 09.02.2022 for the offences under Sections 294(b), 323, 498(A) and 506(1) IPC and Sections 3(1) and 4 of Dowry Prohibition Act, 1961 against the petitioners.

4. 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.

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 counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.R.Stephen, SSI, Kaliyakavilai 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.



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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 power to quash the complaint for the offences under Sections 294(b), 323, 498(A) and 506(1) IPC and Sections 3(1) and 4 of Dowry Prohibition Act, 1961

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 Crime No.13 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.13 of 2022 on the file of the



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first respondent police, is quashed and the terms of joint compromise
memo shall form part and parcel of this order.

20.01.2023

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
lr

To

1. The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.23082 of 2022

Dated: 20.01.2023
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