



*Crl.O.P.(MD)No.22896 of 2022*

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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.22896 of 2022**

1.S.Mohan Ram

2.S.Meena

3.S.Padmavathy

4.G.Uthayakumar

... Petitioners

*(fourth petitioner is impleaded as per the order of this Court dated 10.01.2023 in Crl.M.P.(MD)No.632 of 2023 in Crl.O.P.(MD)No.22896 of 2022)*

Vs.

1.The Inspector of Police,  
All Women Police Station,  
Samayanallur,  
Madurai District.  
(Crime No.170 of 2020)

2.M.Saranya

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in C.C.No.109 of 2021 for the alleged offences under Sections 498(A), 406,



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355 and 506(2) IPC pending trial before the learned Judicial Magistrate, Vadipatti and quash the same.

For Petitioners : Mr.K.Anna  
For R1 : Mr.M.Muthumanikkam  
Government Advocate (Crl. Side)  
For R2 : Mr.R.Venkateshwaran

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the case in C.C.No.109 of 2021 pending before the learned Judicial Magistrate, Vadipatti and quash the same.

2. The case of the prosecution is that the marriage between the first petitioner and the second respondent/defacto complainant was solemnized on 19.01.2018, that after the marriage, the petitioners demanded 35 sovereigns of gold jewels as dowry from the second respondent and that on 20.06.2020 at about 09.00 a.m., the petitioners attacked the second respondent and also 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.17 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.109 of 2021 on the file of the Judicial Magistrate, Vadipatty for the offences under Sections 498(A), 406, 506(2) and 355 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.Kayalvizhi, Head Constable-1841, All Women Police Station, Samayanallur 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 498(A), 406, 506(2) and 355 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.109 of 2021 pending before the Judicial Magistrate, Vadipatty, 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.109 of 2021, on the file of the Judicial



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Magistrate, Vadipatty, 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 Judicial Magistrate,  
Vadipatty.
- 2.The Inspector of Police,  
All Women Police Station,  
Samayanallur,  
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.22896 of 2022**

Dated: 10.01.2023