



Crl.O.P.(MD)No.23134 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.23134 of 2022

1.Meenambal
2.Gobinath

... Petitioners

Vs.

1.The State through
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
(In Crime No.158/2022)

2.Amutha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned FIR in Crime No.158 of 2022 dated 09.07.2022 on the file of the first respondent police and to quash the same as illegal so far as the petitioners are concerned.

For Petitioners : Mr.A.Arputharaj

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.S.Sabbani Karbura Jothi



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the impugned FIR in Crime No.158 of 2022 dated 09.07.2022 on the file of the first respondent police and to quash the same as illegal so far as the petitioners are concerned.

2.The case of the prosecution is that due to family dispute, the petitioners abused the defacto complainant and her husband with filthy language and attacked them with stones and also threatened them with dire consequences. Hence, she lodged a complaint.

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 basis, FIR came to be registered in Crime No.158 of 2022 dated 09.07.2022 for the offences under Sections 294(b), 323, 324, 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioners.



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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 the concerned Police 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.

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 quash the complaint for the offences under Sections 294(b), 323, 324, 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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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.158 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.158 of 2022 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.

24.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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