



Crl.O.P.(MD)No.1672 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1672 of 2023

1.Alaguraja

2.Amaravathi

... Petitioners

Vs.

1.The Inspector of Police,
Kottampatti Police Station,
Kottampatti,
Madurai District.
(Crime No.110 of 2021)

2.Ramya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records to the First Information Report in Crime No.110 of 2019 on the file of the first respondent Police and quash the same as illegal as against the petitioners.

For Petitioners : Mr.T.Vadivelan



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Crl.O.P.(MD)No.1672 of 2023

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

For R2 : Mr.T.Prabhu

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records to the First Information Report in Crime No.110 of 2019 on the file of the first respondent Police and quash the same as illegal as against the petitioners.

2.The case of the prosecution is that the first petitioner and the defacto complainant loved each other for more than five years and they had physical relationship on many occasion. Thereafter, the first petitioner went abroad for work. After returning from abroad, the first petitioner refused to marry the defacto complainant and also threatened her with dire consequences.



Crl.O.P.(MD)No.1672 of 2023

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.110 of 2019 dated 25.03.2019 for the offences under Sections 376, 323 and 506(i) IPC against the petitioners. The learned counsel appearing for the petitioners would further submit that the first petitioner had married the second respondent on 01.09.2022 and the same was registered on 28.09.2022. The learned Government Advocate(Crl.side) would submit that the accused had married the victim girl and their marriage was registered on 28.09.2022. The learned counsel for the petitioner has produced the copy of the marriage certificate.

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



Crl.O.P.(MD)No.1672 of 2023

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.Jeyanthan, Special Sub Inspector of Police, Melur 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.

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 376, 323 and 506(i) 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 Crime No.110 of 2019 pending before the first



CrI.O.P.(MD)No.1672 of 2023

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.110 of 2019 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.

02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
Kottampatti Police Station,
Kottampatti,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.1672 of 2023

K.MURALI SHANKAR,J.

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CrI.O.P.(MD)No.1672 of 2023

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