



CrI.O.P.(MD)No.523 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.523 of 2023

1.Karthik Rajesh

2.Rajendran

3.Rajeshwari

4.Rajameenakshi

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
(Crime No.17 of 2022)

2.Punitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with Crime No.17 of 2022 on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.Poonrachandran



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

For R2 : Mr.S.Vijayakumar

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.17 of 2022 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 14.11.2018 and the parents of the defacto complainant gave Rs.10 Lakhs and 160 sovereigns gold jewels as dowry. After marriage, the petitioners herein demanded more dowry from the defacto complainant and subsequent to that, the defacto complainant was driven out from the matrimonial home. At present 23 sovereigns of gold jewels are with the petitioners. When the same was claimed by the defacto complainant, the



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petitioners refused to return the same. Hence, she lodged a complaint.

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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.17 of 2022 dated 16.08.2022 for the offences under Sections 294(b), 323, 498(A), 406 IPC and Section 4 of the 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 Mrs.Muniyammal, Special Sub Inspector of Police, All Women Police Station, Ramanthapuram as well as by the learned



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counsel 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 294(b), 323, 498(A), 406 IPC and Section 4 of the 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.17 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.17 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.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

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



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K.MURALI SHANKAR,J.

gns

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