



Crl.O.P.(MD)No.1399 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1399 of 2024

1. S.Selvakumar
2. S.Subramani
3. S.Deivanayagi

... Petitioners

Vs.

1. The Inspector of Police
Manapparai All Women Police Station,
Manapparai, Trichy.

2. Sindhuja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the the case in Crime No.05 of 2022
on the file of the first respondent police and quash the same.

For Petitioners : Mr.K.Arunraj

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R2 : Mr.N.Murugesan



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.05 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second and third petitioners are the in-laws. The marriage between the first petitioner and the defacto complainant was solemnized on 30.08.2018 and they have lived for some days. Due to matrimonial dispute, the petitioners harassed the defacto complainant and abused her in filthy language and demanded dowry and also threatened with dire consequences.

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 Police and on that basis, F.I.R. came to be registered in Crime No.05 of 2022, for the offences under Sections 498A, 284B, 506(i) of IPC and Section 4 of Dowry Prohibition Act, against the petitioners. The first petitioner filed a



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divorce petition before the learned Sub Court, Thiruvetriyur. He further submitted that DV, MC petitions had been withdrawn and HMOP is pending and also a sum of Rs.5,00,000/- was received by the defacto complainant by way of demand draft.

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, dated 18.11.2024, has been filed before this Court, which has 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.A.Arone Jenmarahini, SSI of Police, Manapparai Police Station, Trichy District , 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, the dispute is of personal in nature 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 498A, 284B, 506(i) of IPC and Section 4 of Dowry Prohibition Act.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in *(2012)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* 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.05 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.05 of 2022, on the file of the



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first respondent Police, is quashed and the terms of joint compromise memo dated 18.11.2024, shall form part and parcel of this order.

18.11.2024

NCC : Yes / No
Index : Yes / No
jbr

To

- 1.The Inspector of Police
Manapparai All Women Police Station,
Manapparai, Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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