



Crl.O.P.(MD)No.1363 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.1363 of 2024

Muthuraman

... Petitioner/Sole Accused

vs.

1.State Rep. by its
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
Crime No.142 of 2020

... 1st Respondent/Complainant

2.Kavitha

... 2nd Respondent/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C.No.361 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli and quash the same as illegal.

For Petitioner : Mr.V.Vijayendiran

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

For R2 : Mr.S.Pragadeeswaran



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ORDER

The petition is filed to quash the charge sheet in C.C.No.361 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli.

2.The learned counsel for the petitioners seeks quashment of the case on compromise. A Joint Memo of Compromise is also filed. Both sides, the petitioner as well as the defacto complainant is present. The defacto complainant submits that she does not want to pursue the case.

3.In cases of this nature, as per the pronouncement of the Hon'ble Supreme Court of India in ***Gian Singh vs. State of Punjab & Another*** reported in ***2012 (10) SCC 303***, the Court has to see the gravamen of the allegations and then decide. It can be seen that pursuant to a relationship developed between the parties, the attack has been made by the members of both sides family.

4.In view of the nature of the allegations and the fact that the



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defacto complainant does not want to press the allegation anymore, I am of the view that this case will fall within the four corners within which this Court can exercise its power under Section 482 of the Code of Criminal Procedure and quash the case on compromise.

5.In view thereof, the Criminal Original Petition stands allowed. The case in C.C.No.361 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli shall stand quashed. The Memorandum of Compromise shall also form part of the order.

18.10.2024

NCC : Yes / No
sji

To

- 1.The District Munsif cum Judicial Magistrate, Thiruchuli.
- 2.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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