



Crl.O.P.(MD)No.5971 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.Kumaresan
2.Jeyachandran
3.Selvaraj
4.Nagendran
5.R.Alaguraja
6.Azhagumani
7.C.Sankar

... Petitioners/A1 to A4 & A7 to A9

vs.

1.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
Crime No.308 of 2021

... Respondent No.1/Complainant

2.Rajapandi

... Respondent No.2/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in Crime No.308 of 2021 on the file of the first respondent, quash the same against the petitioners.

For Petitioners : Mr.K.Dinesh

For Respondents : Mrs.M.Aasha

Government Advocate (Crl. side) for R1

Mr.R.Vignesh for R2



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ORDER

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The petition is filed to quash the First Information Report in Crime No.308 of 2021 on the file of the first respondent.

2.The learned counsel for the petitioners seeks quashment of the case on compromise. The parties are present before this court. Even though the petition was originally not filed on behalf of A6, he is also present before the Court. The defacto complainant is present before the Court and states that he does not want to pursue the case and both parties seemed to understand the contents of the joint compromise memo.

3.In a case of this nature, this Court has to go as per the dictum of the Hon'ble Supreme Court of India in ***Gian Singh vs. State of Punjab & Another*** reported in ***2012 (10) SCC 303***. The crux of allegation, in this case, is that the defacto complainant was in love with one D.Vinothini and both of them went away together for getting married. The allegation is that these petitioners/accused pursued them and thereafter, threatened them and abducted them. It is now stated that since they are all relatives and the boy and the girl are living together, the couple has been accepted by all the relatives.



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4.In view thereof, considering the fact that the dispute is essentially the nature of an affair and marriage, private in nature between the family members, I am of the view that this is an extraordinary case where this Court can invoke the power under section 482 of the Code of Criminal Procedure to quash the case on compromise. Eventhough the petition is not filed on behalf of A6, since A6 is also present before this Court and considering the nature of the case, I am inclined to quash the entire case itself with reference to all the accused in the case.

5.Accordingly, the Criminal Original Petition is allowed and the First Information Report in Crime No.308 of 2021 on the file of the first respondent police shall stand quashed in its entirety.

19.09.2024

NCC : No
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To

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



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D.BHARATHA CHAKRAVARTHY, J.

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