



Crl.O.P.(MD)No.6236 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.6236 of 2024

1.Vijayakumar

2.Dhanam

3.Sathish @ Satheesh Kumar

4.S.Bhavani

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City,
Madurai.
(Crime No.6 of 2019)

2.M.Sekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records in C.C.No.85 of 2020 on the file of the learned Additional Mahila Court, Madurai, Madurai District in connection with Crime No.6 of 2019 on the file of the Inspector of Police, All Women



Crl.O.P.(MD)No.6236 of 2024

Police Station, Thilagar Thidal, Madurai City, Madurai and consequently quash the same forthwith.

For Petitioners : Mr.J.Sankarapandian
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 : Mr.M.Pon Aravindh

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.85 of 2020 pending on the file of the Additional Mahila Court, Madurai District.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant's daughter was solemnized on 26.01.2011, that some dispute arose between them and they got separated and that in so many occasions, the petitioners abused the defacto complainant and her daughter in filthy language.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first



Crl.O.P.(MD)No.6236 of 2024

respondent and on that basis, FIR came to be registered in Crime No.6 of 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.85 of 2020 on the file of the Additional Mahila Court, Madurai District for the offences under Sections 294(b), 406 and 506(1) IPC against five persons including the petitioners/accused 1 and 3 to 5. He would further submit that the second accused Gurusamy died on 27.05.2020 and he has also produced the death certificate of the second accused.

4. The case is under trial. 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 27.03.2024 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.S.Shyamala Devi, Special Sub Inspector, All Women Police Station South as well as by the learned counsels



Crl.O.P.(MD)No.6236 of 2024

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 matrimonial dispute and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 406 and 506(1) 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 C.C.No.85 of 2020 as against the petitioners pending before the Additional Mahila Court, Madurai District, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.6236 of 2024

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.85 of 2020, on the file of the Additional Mahila Court, Madurai District, is quashed as against the petitioners and the joint compromise memo dated 27.03.2024 shall form part and parcel of this order.

04.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Additional Mahila Court,
Madurai District.
- 2.The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.6236 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.6236 of 2024

Dated: 04.09.2024