



Crl.O.P.(MD)No.6469 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Nagapandi
2.Vijikumar
3.Amalraj
4.Kalaiselvi
5.Annakaluvaiye
6.Sundareshwari
7.Chinasamy
8.Devi

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.325 of 2022)

2.Sneha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for records pertaining to the complaint filed by the respondent
before the learned Judicial Magistrate Court, Thirumangalam as C.C.No.
265 of 2023 and quash the same as against these petitioners.



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For Petitioners : Mr.S.Pandikumar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 : Mr.R.Vijayaragavan

ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.265 of 2023 pending on the file of the Judicial Magistrate, Thirumangalam.

2. The case of the prosecution is that there existed family dispute between the parties and that on 14.08.2022, the petitioners entered into the house of the second respondent and abused her in filthy language and attacked her and three others and also threatened her with dire consequences.

3. 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.325 of 2022 and after investigation and filing of the final report, the same



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was taken cognizance in C.C.No.265 of 2023 for the offences under Sections 147, 148, 294(b), 427, 324, 355, 506(2) and 109 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against nine persons including the petitioners and is pending on the file of the Judicial Magistrate, Thirumangalam. He would further submit that 8th accused Kasimayan died.

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 27.09.2024 has been filed before this Court which have been signed by the petitioners, the second respondent and three injured persons and also by their respective counsels. The petitioners, the second respondent and the injured persons are present before this Court and and they were identified by M/s.S.Michammal, Women Special Sub Inspector of Police, Thirumangalam Town Police Station, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and



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was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, it is a family 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 147, 148, 294(b), 427, 324, 355, 506(2) and 109 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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.265 of 2023 as against the petitioners pending before the Judicial Magistrate, Thirumangalam, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.265 of 2023, on the file of the Judicial Magistrate, Thirumangalam is quashed as against the petitioners and the joint compromise memo dated 27.09.2024 shall form part and parcel of this order.

03.10.2024

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

To

- 1.The Judicial Magistrate,
Thirumangalam.
- 2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.6469 of 2024

Dated: 03.10.2024