



CrI.O.P.(MD)No.6451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.6451 of 2024

and

CrI.M.P.(MD)Nos.4891 & 4892 of 2024

1.Asik Ali

2.Mohamed Ali

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.
(Crime No.25 of 2022)

2.Irfana Nazreen

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.441 of 2023 on the file the Additional Mahila Court (Judicial Magistrate level), Madurai and quash the same as against this petitioners concerned.

For Petitioners

: Mr.N.Anantha Padmanabhan,
Senior Counsel,
for Mr.D.S.Haroon Rasheed



CrI.O.P.(MD)No.6451 of 2024

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (CrI. Side)

For R2 : Mr.Mohideen Basha

ORDER

This Criminal Original Petition has been filed, invoking 428 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in C.C.No.441 of 2023 on the file of the Additional Mahila Court (Judicial Magistrate level), Madurai and quash the same as against the petitioners.

2.The case of the prosecution is that the first accused and the defacto complainant are husband and wife and other accused are in-laws. After marriage, the accused persons harassed the defacto complainant by demanding additional dowry and hence, the second respondent lodged a complaint.

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.25



CrI.O.P.(MD)No.6451 of 2024

of 2022 dated 18.05.2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.441 of 2023 on the file the Additional Mahila Court (Judicial Magistrate level), Madurai, for the offences under Sections 498(A), 406, 417 & 420 IPC against the petitioners and other 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 19.06.2024 has been filed before this Court which have been signed by the petitioner 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 Mrs.B.Kalyani, Special Sub Inspector of Police, All Women Police Station, Tallakulam, Madurai 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.



CrI.O.P.(MD)No.6451 of 2024

WEB COPY

6.In the instant case, it is a dispute between the family members and 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 498(A), 406, 417 & 420 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.441 of 2023 on the file the Additional Mahila Court (Judicial Magistrate level), Madurai, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.441 of 2023 on the file the Additional Mahila



CrI.O.P.(MD)No.6451 of 2024

Court (Judicial Magistrate level), Madurai, is quashed and the joint compromise memo shall form part and parcel of this order.

Consequently, connected miscellaneous petitions are closed.

08.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Additional Mahila Court (Judicial Magistrate level),
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.6451 of 2024

K.MURALI SHANKAR,J.

gns

CrI.O.P.(MD)No.6451 of 2024

08.08.2024