



Crl.O.P.(MD)No.6507 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.6507 of 2024

1.Pounraj

2.Veerammal

3.Rajammal (Lakshmi)

4.Panchu

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Madurai District.
(Crime No.02 of 2022)

2.Devi Nithila

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet in C.C.No. 449 of 2023 on the file of the learned Judicial Magistrate, Vadipatti and quash the same.

For Petitioners : Mr.C.Senthil Murugan



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For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.R.Shanbagaraj

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.449 of 2023 on the file of the learned Judicial Magistrate, Vadipatti and quash the same as against the petitioner.

2.The case of the prosecution is that the first petitioner and the second respondent are husband and wife, that at the time of marriage, the grandmother of the second respondent presented 17 ½ sovereigns of gold jewels to the second respondent, 5 sovereigns of gold jewels to the first petitioner and household articles worth about Rs.3 Lakhs and that after marriage the accused persons harassed the second respondent by demanding additional dowry and hence, the second respondent has lodged a complaint.



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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.2 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.449 of 2023 on the file of the Judicial Magistrate, Vadipatti, for the offences under Sections 498(A), 294(b) and 406 IPC against the petitioners.

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 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 Mrs.A.Raliya Begum, Women Special Sub Inspector of Police, All Women Police Station, Madurai District as well as by the learned counsels appearing for the parties. This Court also enquired both the



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parties and 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 power to quash the complaint for the offences under Sections 498(A), 294(b) and 406 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.449 of 2023, on the file of the Judicial Magistrate, Vadipatti, 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.449 of 2023, on the file of the Judicial Magistrate, Vadipatti, is quashed and the joint compromise memo shall form part and parcel of this order.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate, Vadipatti
2. The Inspector of Police,
All Women Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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