



Crl.O.P.(MD)No.6629 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.6629 of 2024

1.Mohamad Kaja Abusaali

2.Mohammed Iqbal

3.Baseera Beevi

4.Mohammed Arshath Ali

5.Ajmal @ Ajmal Khan

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
AWPS, Sivagangai District.
(Crime No.9 of 2023)

2.Salmathul Jasila Ayub

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the charge sheet filed in C.C.No.226 of 2023 on the file of the Additional Mahila (Judicial Magistrate) Court, Sivagangai and quash the same as illegal.



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For Petitioners : Mr.M.Hasssanuul Bazari
For R1 : Mr.Kottai Chamy,
Government Advocate (Crl. Side)
For R2 : Mr.S.A.Ajmalkhan.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the entire records pertaining to the charge sheet filed in C.C.No.226 of 2023 on the file of the Additional Mahila (Judicial Magistrate) Court, Sivagangai and quash the same as illegal.

2. The case of the prosecution is that due to matrimonial dispute between the first petitioner and the de-facto complainant, the first accused along with the petitioners said to have abused the de-facto complainant in filthy language and harassed her by demanding additional dowry. Hence, the complaint.

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



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respondent and on that basis, FIR came to be registered in Crime No.9 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.226 of 2023 on the file of the Additional Mahila (Judicial Magistrate) Court, Sivagangai, for the offences under Sections 498(A), 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002.

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, 04.07.2024 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 Ms.B.Devi, WSSI, All Women Police Station, Sivagangai, 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.



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6. In the instant case, the dispute is of personal in nature 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 498(A), 294(b), 506(i) of IPC and Section 4 of Tamil Nadu 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.226 of 2023 as against the petitioners pending before the Additional Mahila (Judicial Magistrate) Court, Sivagangai, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the



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proceedings in C.C.No.226 of 2023 on the file of the Additional Mahila (Judicial Magistrate) Court, Sivagangai, is quashed as against the petitioners and the joint compromise memo, dated 04.07.2024 shall form part and parcel of this order.

05.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Additional Mahila (Judicial Magistrate) Court,
Sivagangai.
- 2.The Inspector of Police,
AWPS, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.6629 of 2024

Dated: 05.09.2024