



Crl.O.P.(MD)No.9588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.9588 of 2024

1.Prasanth
2.Saroja
3.Kanthavel

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.
(Crime No.2 of 2023)

2.Abarna

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to charge sheet in C.C.No.60 of 2023 dated 30.03.2023 on the file of Judicial Magistrate, Lalgudi and quash the same as against the petitioners.

For Petitioners : Mr.T.J.Ebenezer Charles

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

For R2 : M/s.P.Sheela



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ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.60 of 2023 pending on the file of the Judicial Magistrate, Lalgudi.

2. The case of the prosecution is that there existed matrimonial dispute between the first petitioner and the second respondent, that the petitioners had demanded additional dowry from the second respondent and that when the second respondent's parents came to the petitioners' house to have a talk, the petitioners abused them in filthy language and caused injuries to them.

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 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.60 of 2023 for the offences under Sections 294(b), 323, 406 and 506(1) IPC, Section 4 of Dowry Prohibition Act and Section 4 of TN Prohibition of Harassment of Women Act, 2002



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against the petitioners and is pending on the file of the Judicial Magistrate, Lalgudi.

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 01.06.2024 has been filed before this Court which have been signed by the petitioners, the second respondent and the two victims, namely, Sasikumar and Amuthadevi also by their respective counsels. The petitioners, the second respondent and the victims are present before this Court and and they were identified by M/s.A.Venilani, Grade I, All Women Police Station, Lalgudi 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.

6. In the instant case, it is a matrimonial dispute and the parties had compromised. Where the parties have compromised the matter, the



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High Court has to power to quash the complaint for the offence under Sections 294(b), 323, 406 and 506(1) IPC, Section 4 of Dowry Prohibition Act 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 Gujraath*** 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.60 of 2023 as against the petitioners pending before the Judicial Magistrate, Lalgudi, 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.60 of 2023, on the file of the Judicial Magistrate, Lalgudi, is quashed as against the petitioners and the joint compromise



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memo dated 01.06.2024 shall form part and parcel of this order.

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

To

- 1.The Judicial Magistrate,
Lalgudi.
- 2.The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy 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.9588 of 2024

Dated: 04.10.2024