



Crl.O.P.(MD)No.9183 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.9183 of 2024

and

Crl.M.P.(MD)Nos.6275 and 6277 of 2024

1.Rafeeq Chellappa @ Mohamed Rafeeq Ali
2.Kabilathu Begum
3.Sabiyath Nisha @ Sabiyath Nisha Begum
4.Purkan @ Pukan Nisha
5.Mohamed Zhameema Nisha @ Mohamed Jameem Nish
6.Anasali @ Mohamed Anasbin Ayub
7.Akram @ Arqum ... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
Ilaiyangudi Police Station,
Sivagangai District.
(Crime No.243 of 2019)
2.Zhameema Parvin @ Jameema Parvin ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records relating to the impugned charge sheet in C.C.No.27
of 2020 on the file of the Judicial Magistrate, Ilaiyangudi, Sivagangai
District and quash the same as illegal.



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For Petitioners : Mr.B.Prahalad Ravi
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 : Mr.L.Prabhakaran

ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.27 of 2020 pending on the file of the Judicial Magistrate, Ilaiyangudi, Sivagangai District.

2. The case of the prosecution is that due to some family dispute, on 16.09.2019 at about 03.30 p.m., the petitioners trespassed into the second respondent's house and abused her in filthy language and attacked her and also caused criminal intimidation.

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.243 of 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.27 of 2020 for the offences under



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Sections 147, 294(b), 448, 323, 355 and 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioners and is pending on the file of the Judicial Magistrate, Ilaiyangudi, Sivagangai District.

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 24.06.2024 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 1 and 3 to 7 and the second respondent are present before this Court and the second petitioner appeared through Video Conferencing from C1 Triplicane Police Station, Chennai and they were identified by Mr.T.Gujendren, Special Sub Inspector of Police, Ilaiyangudi Police Station, Sivagangai District, 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



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themselves.

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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, 294(b), 448, 323, 355 and 506(2) 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.27 of 2020 as against the petitioners pending before the Judicial Magistrate, Ilaiyangudi, Sivagangai District, 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.27 of 2020, on the file of the Judicial Magistrate, Ilaiyangudi, Sivagangai District, is quashed as against the petitioners and the joint compromise memo dated 24.06.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

20.09.2024

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

To

- 1.The Judicial Magistrate,
Ilaiyangudi, Sivagangai District.
- 2.The Inspector of Police,
Ilaiyangudi Police Station,
Sivagangai 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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Order made in
Crl.O.P.(MD)No.9183 of 2024
and
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Dated: 20.09.2024