



Crl.O.P.(MD)No.11691 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.11691 of 2024

1.Sanjai

2.Sankarlakshmi

3.Baskaran

... Petitioners/A1 to A3

Vs.

1.The Sub-Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
(Crime No.34 of 2022)

2.Nagalakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the records pertaining to the charge sheet in C.C. No.1039 of 2023 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Madurai and to quash the same.

For Petitioners : Mr.N.Nainar Rajan

For R1 : Mr.P.Kottai Chamy,
Government Advocate (Crl. Side)



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For R2

: Ms.M.Sudharani.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders to call for the records pertaining to the charge sheet in C.C.No.1039 of 2023 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Madurai and to quash the same.

2. The case of the prosecution is that the marriage between the first petitioner and the second respondent/defacto complainant was solemnized on 05.02.2010; there existed some disputes between the first petitioner and the defacto complainant that the petitioners had harassed the defacto complainant on various occasions and that subsequently, on 07.05.2022, the first petitioner herein went along with one women and two children and the same was noticed by the defacto complainant and at enquiry, she came to know that the first petitioner got married another women and living separately. Hence, the 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.34 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1039 of 2023 on the file of the Judicial Magistrate No.II, Madurai for the offences under Sections 498(A) and 494 of 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, dated 19.07.2024 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.Kalyani, WSSI (1326) WSSI, All Women Police Station, Thallakulam, Madurai as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and



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was satisfied that the parties have come to an amicable settlement between themselves.

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) and 494 of 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 Gujraht*** 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.1039 of 2023 as against the petitioners pending before the Judicial Magistrate cum Additional Mahila Court, Madurai 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.1039 of 2023, on the file of the Judicial Magistrate cum Additional Mahila Court, Madurai, is quashed as against the petitioners and the joint compromise memo, dated 19.07.2024 shall form part and parcel of this order.

03.10.2024

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

To

- 1.The Judicial Magistrate cum Additional Mahila Court,
Madurai.
- 2.The Sub-Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
- 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.11691 of 2024

Dated: 03.10.2024