



Crl.O.P.(MD)No.11888 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1. Murugan @ Murugaperumal
2. Subbulakshmi
3. Mariyammal
4. Jeyamani @ Konammal
5. Chandran
6. M. Vimala

... Petitioners

Vs

1. The Inspector of Police,
Pandalkudi Police Station,
Virudhunagar.
Crime No. 15 of 2024.

2. Ramalakshmi
3. Vigneshwaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.96 of 2024, on the file of the Judicial Magistrate, Aruppukottai, Virudhunagar District, Virudhunagar



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District in FIR in Cr.No.15 of 2024, dated 21.02.2024 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.K.Palmurugan

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

For R2,R3 : Mr.K.Yasar Arafath

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.96 of 2024, on the file of the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 21.02.2024 at about 05.30p.m., the defacto complainant was staying in her house, the 1st petitioner came into the house and assaulted her. Thereafter, all the petitioners assaulted the defacto complainant and her husband with hand. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused persons.



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3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.367 of 2021, after investigation, final report filed, the same taken cognizance in C.C.No.96 of 2024, on the file of the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, for the offences under Sections 447, 294(b), 341, 323, 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, 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, for the reason, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the respondents 2 and 3 and their respective



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counsels. The petitioners 2 to 6 and the respondents 2 and 3 present before this Court and the first petitioner appeared through virtual mode, identified by Mr.S.Nagarajan, Pandalkudi Police Station, Virudhunagar District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the occurrence took place between the relatives 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 447, 294(b), 341, 323, 506(1) 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 Punjab and another*** reported in ***(2012) 10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.



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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.96 of 2024 as against the petitioners pending before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, 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.96 of 2024, on the file of the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
PNM

25.11.2024



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- 1.The Judicial Magistrate, Aruppukottai, Virudhunagar District
2. The Inspector of Police,
Pandalkudi Police Station,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

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