



Crl.O.P.(MD)No.12324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12324 of 2024

1.K.Surya Prakash
2.S.Koli Pitchai
3.S.Venkatachlam

... Petitioners

Vs.

1.The Inspector of Police,
Palayamkottai,
Tirunelveli City.
(Crime No.61 of 2021)

2.Senthil Rathinam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records in C.C.No.544 of 2023 on the file of the Additional Mahila Court, Tirunelveli and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.R.J.Karthick

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

For R2 : Mr.L.Subramania Kishore



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.544 of 2023 on the file of the learned Additional Mahila Court, Tirunelveli and quash the same as against the petitioners.

2.The case of the prosecution is that the defacto complainant's sister and the first petitioner are wife and husband, that due to matrimonial dispute between them, sister of the defacto complainant lodged a complaint and that when the defacto complainant and his family members went Police Station for enquiry, the accused persons abused them in filthy language and also assaulted the defacto complainant and hence, he has lodged a complaint.

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.61 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.544 of 2023 on the file of the Additional Mahila Court, Tirunelveli, for the offences under Sections



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294(b), 323, 506(1) IPC and Section 4 of the 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.

5.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners, second respondent, victim and also by their respective counsels. The petitioners, the second respondent and the victim are present before this Court and and they were identified by Mr.V.Mahadevan, Special Sub Inspector of Police, Palayamkottai Police Station,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 family dispute and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 323, 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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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.544 of 2023, on the file of the Additional Mahila Court, Tirunelveli, 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.544 of 2023, on the file of the Additional Mahila Court, Tirunelveli, is quashed and the joint compromise memo shall form part and parcel of this order.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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WEB COPY To

- 1.The Additional Mahila Court, Tirunelveli
- 2.The Inspector of Police,
Palayamkottai,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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