



Crl.O.P.(MD)No.12850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Mari @ Marichamy

2.Raja @ Karuppaiah

3.Muthaiah

4.Arun @ Arun Kishore

5.Ramamoorthy

6.Paraman @ Paramaguru

: Petitioners/A1 to A6

Vs.

1.State rep by Sub-Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No.398 of 2020.

2.P.Alaguraja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.90 of 2023 on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District and quash the same as illegal, violation of law as against the petitioners/A1 to A6.



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For Petitioners : Mr.M.Jothi Basu
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R2 : Mrs.D.Thilagarani

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the proceedings in C.C.No.90 of 2023 on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District.

2. The case of the prosecution is that there existed previous enmity between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant and abused him in filthy language and also threatened him with dire consequences. Hence, the second respondent has lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has



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lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.398 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.90 of 2023 on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District, for the offences under Sections 147, 294(b), 342, 323, 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

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 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 Mr.M.Venkatesan, SI, Nathampatti Police Station, Virudhunagar 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 themselves.



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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 147, 294(b), 342, 323, 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

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.90 of 2023 as against the petitioners pending before the Additional Mahila Court, Srivilliputhur, 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.90 of 2023, on the file of the Additional Mahila



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Court, Srivilliputhur, Virudhunagar District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

14.08.2024

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

To

- 1.The Judge, Additional Mahila Court,
Srivilliputhur, Virudhunagar District.
- 2.The Sub-Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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