



Crl.O.P.(MD)No.12951 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12951 of 2024

Prabakaran

... Petitioner

Vs.

1.State rep by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.257 of 2024)

2.Sorna Jeevitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in Crime No.257 of 2024 on the file of first respondent and quash the same.

For Petitioner : Mr.S.Ramasamy

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

For R2 : Mr.M.Ramakrishnan

ORDER

The Criminal Original Petition has been filed, invoking Section



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528 B.N.S.S., seeking orders to quash the FIR in Crime No.257 of 2024 dated 01.05.2024 pending on the file of the first respondent.

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2. The case of the prosecution is that the petitioner/sole accused and the second respondent/defacto complainant are husband and wife and that on 01.04.2024, the petitioner had assaulted the second respondent by demanding additional dowry and abused her and also threatened her. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.257 of 2024 dated 01.05.2024 for the offences under Sections 294(b), 323 and 506(1) IPC against the petitioner.

4. The learned counsel appearing for the petitioner would further submit that the petitioner and the second respondent are living together.



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5. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6. A Joint Memo of Compromise dated 05.08.2024 has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.N.Nagarajan, Special Sub Inspector, Kovilpatti West Police Station, Thoothukudi 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.

7. In the instant case, it is a matrimonial dispute and now 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 and 506(1) IPC.



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8. 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.

9. 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 Crime No.257 of 2024 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.257 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 05.08.2024 shall form part and parcel of this order.

16.08.2024

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



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To

- 1.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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