



Crl.O.P.(MD)No.13768 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13768 of 2024

1.Pandiarajan

2.Nagamariammal

3.Durga Devi

... Petitioners

Vs.

1.State rep. by

The Inspector of Police,
Thenthamarai Kulam Police Station,
Kanyakumari District.
(Crime No.130 of 2023)

2.Kirubavathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the records pertaining to the impugned FIR in Crime No.130
of 2023 on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.Mariselvam

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

For R2 : Mr.P.Balamurugan



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.130 of 2023 dated 01.12.2023 pending on the file of the first respondent.

2. The case of the prosecution is that there existed matrimonial dispute between the parties, that the petitioners/accused had assaulted the second respondent/defacto complainant and her daughter and abused them in filthy language and also damaged the second respondent's household articles.

3. When the matter is taken up for hearing today, 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.130 of 2023 dated 01.12.2023 for the offences under Sections 294(b), 427, 323 and 506(1) IPC against the petitioners.

4. The case is still under the investigation. By passage of time, the



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parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise dated 28.08.2024 has been filed before this Court which have been signed by the petitioners, the second respondent and the injured Jayasuba and also by their respective counsel. The petitioners, the second respondent and the injured Jayasuba were also present in person before this Court and they were identified by Mr.R.Soman, Special Sub Inspector, Anjugramam 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 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), 427, 323 and 506(1) IPC.

7. The legal position expressed by the Hon'ble Apex Court in the



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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 Crime No.130 of 2023 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.130 of 2023 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 28.08.2024 shall form part and parcel of this order.

30.08.2024

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



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To
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- 1.The Inspector of Police,
Thenthamarai Kulam Police Station,
Kanyakumari 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
Crl.O.P.(MD)No.13768 of 2024

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