



Crl.O.P.(MD)No.13517 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Bilal Hussain @ Bilal

2.Jaipunisha

3.Mohamed Sharif

4.Jahir Hussain @ Jahir

5.Kalic

6.Rahamatunisha

7.Ramjan Begam

8.Rafik @ Mohamed Rafeeq

... Petitioners

Vs.

1.The Inspector of Police,
Golden Rock All Women Police Station,
Trichy City.
(Crime No.02 of 2019)

2.Dhilsath Begam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to
call for the records in proceedings in C.C.No.2641 of 2019 on the file of



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the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli in connection with Crime No.02 of 2019 on the file of the first respondent police and quash the same.

For Petitioners : Mr.K.M.Karunakaran

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

For R2 : Mr.S.Veerapandi Selvaraj

ORDER

This Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.2641 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli.

2.The case of the prosecution is that the first petitioner and the second respondent got married on 13.08.2006 and they have three sons. After marriage, the first petitioner and other in-laws harassed the second respondent by demanding additional dowry, abused her in filthy language and also threatened her with dire consequences and hence, the second respondent lodged a complaint.



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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. 02 of 2019 dated 26.01.2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.2641 of 2019 on the file the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, for the offences under Sections 498(A), 406, 506(1), 294(b) IPC 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 dated 12.08.2024 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 Mrs.K.Jebanalini, Woman Head Constable 1091, Goldent Rock AWPS, Trichy City 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. The defacto complainant submits that she had already joined with the first petitioner and she is in the matrimonial home, for the past three weeks.

6.In the instant case, it is a dispute between the family members 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 498(A), 406, 506(1), 294(b) IPC.

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 Gujraath*** 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.2641 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.2641 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate,
Additional Mahila Court,
Tiruchirappalli.
2. The Inspector of Police,
Golden Rock All Women Police Station,
Trichy 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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