



Crl.O.P.(MD)No.14928 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14928 of 2024

Amirthalingam @ Mahalingam

... Petitioner

Vs.

1.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.349 of 2019)

2.Gowthami

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records pertaining to C.C.No.12 of 2020 on the file of the learned Judicial Magistrate Court, Melur, Madurai District and quash the same.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

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

For R2 : Mr.N.Saravanan



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.12 of 2020 pending on the file of the Judicial Magistrate, Melur.

2. The case of the prosecution is that there existed family dispute between the petitioner and the second respondent and that on 13.11.2019, the petitioner abused the second respondent in filthy language and attacked her with wooden stick and also threatened her with dire consequences.

3. 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.349 of 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.12 of 2020 for the offences under Sections 294(b), 323 and 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioner and is pending on the file of the Judicial Magistrate, Melur.



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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 19.08.2024 has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.S.Dayalan, Special Sub Inspector of Police, Keelavalavu 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 to power to quash the complaint for the offence under Sections 294(b), 323 and 506(2) IPC and Section 4 of TN 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.12 of 2020 as against the petitioner pending before the Judicial Magistrate, Melur, 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.12 of 2020, on the file of the Judicial Magistrate, Melur is quashed as against the petitioner and the joint compromise memo dated 19.08.2024 shall form part and parcel of this order.

04.10.2024

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



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WEB COPY To

- 1.The Judicial Magistrate,
Melur.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
- 3.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.14928 of 2024

Dated: 04.10.2024