



Crl.O.P.(MD)No.14637 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14637 of 2024
and Crl.M.P.(MD)Nos.9134 & 9136 of 2024

1.Samsudeen

2.Maimoon Beevi

3.Nagoor Pitchai

4.Kasim

... Petitioners

(The name of P2 amended as per order of the Court in Crl.M.P.(MD) No.11264 of 2024 dated 25.10.2024)

(P3 & P4 impleaded as per order of the Court in Crl.M.P.(MD)No.11265 of 2024 dated 25.10.2024)

Vs.

1.The Inspector of Police,
All Women Police Station,
Keelakarai, Ramanathapuram District.
Crime No.5 of 2023.

2.Ainul Arabiya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the impugned charge sheet in C.C.No.50 of 2023 dated 20.03.2023 on the file of the learned Judicial Magistrate

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Additional Mahila Court, Ramanathapuram and quash the same insofar as relates to the petitioners as illegal.

For Petitioners : Mr.R.Murugan
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R2 : Mr.S.Santosa Uthaman

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.50 of 2023 on the file of the learned Judicial Magistrate Additional Mahila Court, Ramanathapuram and quash the same as against the petitioners.

2.The case of the prosecution is that the second respondent and the third petitioner are husband and wife and due to matrimonial dispute, the defacto complainant has lodged a complaint.

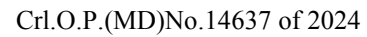


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3.The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.5 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.50 of 2023 on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram, for the offences under Sections 498(A) and 506(2) 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 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 1, 2 & 4 and the second respondent are present before this Court and the third petitioner, who lives in Arab Emirates, appears through video conference and and they were identified by Mr.K.Banupriya, Woman Police, AWPS-Keelakarai 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



6. In the instant case, it is a matrimonial dispute 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) and 506(2) IPC.

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.50 of 2023, on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram, 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.50 of 2023, on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

25.10.2024

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

1. The Judicial Magistrate Additional Mahila Court, Ramanathapuram
2. The Inspector of Police,
All Women Police Station,
Keelakarai, Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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