



Crl.O.P.(MD)No.14884 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14884 of 2024

1.Marichamy

2.Thathaiah

3.Kanagarajan @ kanagaraj

4.Vasanthi

5.Alagiri

: Petitioners/ A1 to A5

Vs.

1.State represented by
The Sub-Inspector of Police,
All Women Police Station,
Thallkulam, Madurai.

2.Vijayalakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the C.C.No.259 of 2024 on the file of the Additional Mahila Court, Madurai and quash the same as illegal.

For Petitioners : Mr.P.Muthuvijayapandian,

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

: Mr.P.Mahendran, for R2.



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to call for the records pertaining to the C.C.No. 259 of 2024 on the file of the Additional Mahila Court, Madurai and quash the same as illegal.

2. The case of the prosecution is that there was a matrimonial dispute between the first petitioner and the defacato complainant, due to which, the petitioners abused the defacto complainant in filthy language and also threatened her with dire consequences. Hence, the complaint.

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.39 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.259 of 2024 on the file of the Additional Mahila Court, Madurai, for the offences under Sections 498(A), 406 and 506(1) IPC against the petitioners.



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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 17.09.2024, 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 Ms.B.Kalyani, WSSI, All Women Police Station, Thallakulam, Madurai, 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, the dispute is of personal in nature 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 498(A), 406 and 506(1) IPC.



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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.259 of 2024 as against the petitioner pending before the Additional Mahila Court, Madurai, 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.259 of 2024, on the file of the Additional Mahila Court, Madurai, is quashed as against the petitioners and the joint compromise memo, dated 17.09.2024 shall form part and parcel of this order.

14.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Additional Mahila Judge
Madurai.
- 2.The Sub-Inspector of Police,
All Women Police Station,
Thallkulam, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.14884 of 2024

Dated: 14.10.2024