



CrI.O.P.(MD)No.15211 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.15211 of 2024

Balamurugan

... Petitioner

Vs.

1.The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.1872 of 2020)

2.Shanmugapriya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the C.C.No.1542 of 2023 for the offences under Sections 294(b), 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai District and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition.

For Petitioner : Mr.S.S.Sundarapandian



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

For R2 : Mr.K.Pon Aravind

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.1542 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai District and quash the same as against the petitioner.

2.The case of the prosecution is that the petitioner herein insisted the defacto complainant, who is married woman, to elope with him and when the same was refused by the defacto complainant, the petitioner abused her in filthy language and also molested her and hence, the second respondent has lodged a complaint.

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.



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1872 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1542 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai District, for the offences under Sections 294(b), 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioner.

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 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 Mrs.A.Jeyalakshmi, Women Special Sub Inspector of Police, Thallakulam 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.



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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 power to quash the complaint for the offences under Sections 294(b), 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.1542 of 2023, on the file of the Judicial Magistrate, Additional Mahila Court, Madurai District, 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.1542 of 2023, on the file of the Judicial



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Magistrate, Additional Mahila Court, Madurai District, is quashed and the joint compromise memo shall form part and parcel of this order.

22.10.2024

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

- 1.The Judicial Magistrate,
Additional Mahila Court,
Madurai District.
- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai 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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