



Crl.O.P.(MD)No.15236 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15236 of 2024

1.Vijayakumar
2.Janaki
3.Selvi

... Petitioners

Vs.

1.The State of Tamilnadu rep. by
The Inspector of Police,
All Women Police Station Karaikudi,
Sivagangai District.
(Crime No.8 of 2022)

2.Sumathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the records pertaining to the impugned charge sheet in C.C.No.
1974 of 2022 on the file of the learned Judicial Magistrate Court,
Karaikudi and quash the same as illegal and unconstitutional.

For Petitioners : M/s.A.S.Rajeswari

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

For R2 : Mr.S.Vinayagam



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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.1974 of 2022 pending on the file of the Judicial Magistrate, Karaikudi.

2. The case of the prosecution is that there existed matrimonial dispute between the first petitioner and the second respondent and that on 11.12.2021, the petitioners had demanded additional dowry from the second respondent and abused her in filthy language and also attacked her.

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.8 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1974 of 2022 for the offences under Sections 498(A), 294(b), 506(2) and 350 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioners and is pending on the file of the Judicial Magistrate, Karaikudi.



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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 09.09.2024 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 M/s.M.Amutha, Women Special Sub Inspector of Police, Karaikudi All Women 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 matrimonial 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 498(A), 294(b), 506(2) and 350 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 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.1974 of 2022 as against the petitioners pending before the Judicial Magistrate, Karaikudi, 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.1974 of 2022, on the file of the Judicial Magistrate, Karaikudi is quashed as against the petitioners and the joint compromise memo dated 09.09.2024 shall form part and parcel of this order.

01.10.2024

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



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WEB COPY To

- 1.The Judicial Magistrate,
Karaikudi.
- 2.The Inspector of Police,
All Women Police Station Karaikudi,
Sivagangai 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.15236 of 2024

Dated: 01.10.2024