



Crl.O.P.(MD)No.15634 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.15634 of 2024

1.Sarankumar

2.Dhalayan @ Thayalan

... Petitioners

Vs.

1.The State of Tamil Nadu rep by
The Deputy Superintendent of Police,
Andipatty Sub Division,
Theni District.

2.State represented by
The Inspector of Police,
All Women Police Station,
Karur, Karur District.

3.Soundarya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the entire records in relating to the Crime No.15 of 2024 on the
file of the second respondent police and quash the same.



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For Petitioners : Mr.K.Sathish Kumar
For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R3 : M/s.B.Kalpana

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.15 of 2024 dated 08.08.2024 pending on the file of the second respondent.

2. The case of the prosecution is that the first petitioner had promised the third respondent, who is a divorcee, to marry her and by believing the words of the first petitioner, the third respondent got pregnant and that thereafter, the first petitioner and his family members forced the third respondent to abort the child and harassed her and abused her by using her caste name. Hence, the third respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third



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respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.15 of 2024 dated 08.08.2024 for the offences under Sections 296(b), 85, 88, 89 and 351(2) BNS and Section 4 of TN Prohibition of Harassment of Women Act, 2002 altered into Sections 296(b), 85, 88, 89 and 351(2) BNS, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s), 3(1)(XI) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act against the petitioners and some others.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. The learned counsel appearing for the third respondent would submit that the third respondent has received Rs.62,500/- from the Government and in view of the compromise between the parties, she has remitted the compensation amount and she has also produced the copy of the e-challan.



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6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by M/s.R.Banumathi, Sub Inspector, All Women Police Station Karur 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.

7. In the instant case, the dispute is of personal in nature and now 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 296(b), 85, 88, 89 and 351(2) BNS, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(l)(r), 3(l)(s), 3(l)(XI) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act

8. 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.



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9. 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 Crime No.15 of 2024 pending before the second respondent police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.15 of 2024 on the file of the second respondent police, is quashed as against the petitioners and the terms of joint compromise memo shall form part and parcel of this order.

04.10.2024

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

To

- 1.The Deputy Superintendent of Police,
Andipatty Sub Division,
Theni District.
- 2.The Inspector of Police,
All Women Police Station,
Karur, Karur 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
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Dated: 04.10.2024