



Crl.O.P.(MD)No.16477 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Ibanson

2.Parwathi

3.Divakaran

4.Sindhu

... Petitioners

Vs.

1.The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District.
(Crime No.388 of 2020)

2.Selvamani

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 BNSS, to call for the records in connection with C.C.No.20 of 2021 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District in relation to Crime No.388 of 2020 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District and quash the same forthwith.



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For Petitioners : Mr.L.Juliet Caroline
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R2 : Mr.S.Palanivelayutham

ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the proceedings in C.C.No.20 of 2021 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District and quash the same as against the petitioners.

2.The case of the prosecution is that the parties herein are close relatives, that the first accused borrowed a sum of Rs.3,50,000/- from the second respondent to meet out his expenses and that when the second respondent asked to repay the amount, all the accused abused the second respondent in filthy language and also attacked her and hence, the second respondent 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.388 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.20 of 2021 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, for the offences under Sections 294(b), 323, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 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 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 Mr.K.Muthukumar, Head Constable, Koodankulam Police Station as well as by the learned counsels appearing for the parties. This Court also



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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 family 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 294(b), 323, 506(i) 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 final report in C.C.No.20 of 2021, on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, 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.20 of 2021, on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, is quashed and the joint compromise memo shall form part and parcel of this order.

19.10.2024

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

1. The Judicial Magistrate,
Radhapuram,
Tirunelveli District.
2. The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli 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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