



Crl.O.P.(MD)No.16352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16352 of 2024

1.Divakaran

2.Sindhu

3.Ibanson

... Petitioners

Vs.

1.The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District.
(Crime No.396 of 2020)

2.Anbuthurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with C.C.No.171 of 2022 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District in relation to Crime No.396 of 2020 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District and quash the same forthwith.



Crl.O.P.(MD)No.16352 of 2024

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For Petitioners : Mr.L.Juliet Caroline
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.S.Palani Velayutham

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.171 of 2022 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 defacto complainant, the first petitioner and the third petitioner are brothers and the second petitioner is the third petitioner's wife, that the third petitioner borrowed a sum of Rs.3,50,000/- for the purpose of going abroad from his mother Selvamani, that when she asked to return the amount, he abused her and also attacked her and thereafter, she was admitted in the hospital, that when the defacto complainant returned from the hospital, the accused



CrI.O.P.(MD)No.16352 of 2024

persons abused him in filthy language, attacked him and also threatened him with dire consequence and hence, the second respondent has lodged a 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.396 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.171 of 2022 on the file of the Judicial Magistrate, Radhapuram, Tirunelveli District, for the offences under Sections 294(b), 323, 324, 506(2) 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 petitioners, the second respondent and also by their respective counsels. The petitioners and the second



CrI.O.P.(MD)No.16352 of 2024

respondent are present before this Court and they were identified by Mr.K.Muthukumar, Head Constable 2262, Koodankulam 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 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, 324, 506(2) 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.171 of 2022, on the file of the Judicial



CrI.O.P.(MD)No.16352 of 2024

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Magistrate, Radhapuram, Tirunelveli 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.171 of 2022, on the file of the Judicial Magistrate, Radhapuram, Tirunelveli District, is quashed and the joint compromise memo shall form part and parcel of this order.

21.10.2024

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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CrI.O.P.(MD)No.16352 of 2024

K.MURALI SHANKAR,J.

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CrI.O.P.(MD)No.16352 of 2024

21.10.2024