



Crl.O.P.(MD)No.15817 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15817 of 2024

1.Thangasundar

2.Selvi @ Mariselvam

: Petitioners/A1 & A2

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli District.
(Crime No.5 of 2023)

2.Manjula

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the records in C.C.No.1802 of 2023 on the file of the Additional Mahila Court, Tirunelveli and quash the same.

For Petitioners : Mr.L.Subramanian Kishore

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

: Mr.R.J.Karthik, for R2.



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to call for the records in C.C.No.1802 of 2023 on the file of the Additional Mahila Court, Tirunelveli and quash the same.

2.The case of the prosecution is that due to matrimonial dispute between the first petitioner and the de-facto complainant, the first petitioner along with his mother/second petitioner said to have abused the de-facto complainant in filthy language and harassed her by demanding additional dowry. Hence, the 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.5 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1802 of 2023 on the file of the Additional Mahila Court, Tirunelveli, for the offences under Sections 498(A), 406 and 506(i) of IPC against the petitioners. He would further submit that



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the third accused was reported dead on 01.09.2023 and they have produced the copy of the death certificate.

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 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 Ms.V.Prema, (WHC 912), All Women Police Station, Palayamkottai, Tirunelveli District 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, the dispute is of personal in nature 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), 406 and 506(i) of IPC.



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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.1802 of 2023 as against the petitioner pending before the Additional Mahila Court, Tirunelveli, 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.1802 of 2023, on the file of the Additional Mahila Court, Tirunelveli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

16.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Additional Mahila Judge,
Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.15817 of 2024

Dated: 16.10.2024