



Crl.O.P.(MD)Nos.19626 & 19286 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.19626 & 19286 of 2024

1.Jein Beebi
2.Jailavudeen
3.R.Sameem
4.Umera
5.Babu

... Petitioners in Crl.O.P.(MD)No.19626/24

J.Kamerdeen

... Petitioner in Crl.O.P.(MD)No.19286/24

Vs.

1.State rep. by,
Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai.
(Crime No.4 of 2011).

2.Faretha Banu

... Respondents in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petitions filed under Section 528 of BNSS, to call for the records in S.C.Nos.217 & 374 of 2024, on the file of the learned District & Sessions Court (Mahila), Madurai and to quash the same as illegal.



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For Petitioners : Mr.P.Yasmin Begum
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R2 : Mr.S.M.A.Jinnah

ORDER

These Criminal Original Petitions have been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.Nos.217 & 374 of 2024, on the file of the learned District & Sessions Court (Mahila), Madurai and quash the same as illegal.

2. The case of the prosecution is that the marriage between the petitioner in Crl.O.P.(MD)No.19286 of 2024 and the second respondent / de-facto complainant was solemnized on 17.10.1999 and the second respondent is said to have leading the matrimonial life as a joint family with the petitioners herein. The second respondent is blessed with two girl children. While so, the petitioners are said to have harassed the second respondent demanding dowry and on 24.09.2010, when her husband was in Kuwait, she had been thrown out of the matrimonial



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home along with her children. Later, after her husband's arrival, on 02.11.2020 when the second respondent went to her matrimonial home, the petitioners are said to have abused her using filthy language, assaulted her and tried to kill her. When the neighbour came to the scene of occurrence, the petitioners are said to have ran away. Hence, the second respondent lodged a complaint before the respondent police.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.4 of 2011, after investigation, final report filed, the same was taken cognizance in S.C.Nos.217 & 374 of 2024, on the file of the learned District & Sessions Court (Mahila), Madurai, for the offences under Sections 498(a), 406, 294(b), 506(i) of I.P.C. and Section 4 of D.P. Act, 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. Now, the second respondent is agreeing to withdraw the complaint, not willing to pursue the case.



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5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Ms.Kavitha, AWPS/Madurai Town, Madurai, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is personal in nature arising out of a matrimonial dispute, no injuries caused to the second respondent 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 294(b), 324 and 307 I.P.C.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in (2017) 9 SCC 641 were taken into consideration.



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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 S.C.Nos.217 & 374 of 2024 as against the petitioners pending before the learned District & Sessions Court (Mahila), Madurai, even though, the offences involved are not compoundable in nature.

9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in S.C.Nos.217 & 374 of 2024, on the file of the learned District & Sessions Court (Mahila), Madurai, are quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

14.11.2024

NCC : Yes / No
Index : Yes / No
MR



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To

1. The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

MR

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