



Crl.O.P.(MD)No.16874 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16874 of 2024

and

Crl.M.P.(MD)Nos.10615 and 10616 of 2024

T.Chinnaperumal

... Petitioner

Vs.

1.The State

rep.by Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
(Crime No.422 of 2017)

2.Sivasankari Sasikala

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet in C.C.No.8 of 2022 pending on the file of the learned Judicial Magistrate, Thiruchendur, Thoothukudi District sofar as the petitioner is concerned.

For Petitioner	: Mr.G.Thalaimutharasu
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R2	: Mr.P.Veerapandi

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.8 of 2022 on the file of the learned Judicial Magistrate, Thiruchendur.



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2. The case of the prosecution is that the petitioner is the husband of the defacto complainant's sister. Due to some dispute, they are living separately. On the date of occurrence, the petitioner came to the house of defacto complainant's sister and abused her in filthy language. When the defacto complainant questioned about the same, the petitioner had attacked the defacto complainant and her sister, abused them in filthy language and threatened with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.422 of 2017, after investigation, final report was filed and the same taken cognizance in C.C.No.8 of 2022, on the file of the learned Judicial Magistrate, Thiruchendur, Thoothukudi District for the offences under Sections 294(b), 324, 323 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 against the petitioner.

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



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among themselves. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court and identified by Mr.G.Baburaj, SSI of Police, Thiruchendur Police Station, Thoothukudi District, as well as by the learned counsel 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 without any compulsion.

6. In the instant case, the petitioner and the defacto complainant are close relatives and there is a family dispute between the parties. Now the parties have compromised the matter and are living together. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

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)



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10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*

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.8 of 2022 as against the petitioner pending before the learned Judicial Magistrate, Thiruchendur, Thoothukudi 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.8 of 2022, on the file of the learned Judicial Magistrate, Thiruchendur, Thoothukudi District is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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To

- 1.The Judicial Magistrate, Thiruchendur,
Thoothukudi District.
- 2.The Inspector of pOlice,
Thiruchendur Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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