



Crl.O.P.(MD)No.17199 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17199 of 2024

and

Crl.M.P.(MD)No.10751 of 2024

1.Abthul Ajish @ Abdul Ajeesh

2.Muhamatha Begam

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Dindigul Rural Sub-Division,
Dindigul District.

2.The Sub-Inspector of Police,
All Women Police Station,
Dindigul Rural,
Dindigul District.
(In Crime No.35 of 2024)

3.Maheswari

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the Crime No.35 of 2024 dated 28.09.2024 on the file of the second respondent and quash the same by allowing this criminal original petition.



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For Petitioners : Mr.K.R.Badurus Zaman
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
For R2 : Mr.M.Gandhirajan

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.35 of 2024 on the file of the second respondent police and quash the same as illegal against the petitioners.

2.The case of the prosecution is that the first petitioner and the third respondent are husband and wife and they are belonging to different religion, that out of the wed-lock, the third respondent got pregnant and the second petitioner herein, who is the mother of the first petitioner, compelled the third respondent to abort the fetus and the same was done and thereafter, the accused persons abused her in filthy words using her caste name and threatened her by demanding dowry from her and hence, the third respondent has lodged a complaint.



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3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.35 of 2024 dated 20.06.2016 for the offences under Sections 85, 89, 351(2) BNS and Sections 3(1)(w)(ii) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 against the petitioners.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves and the defacto complainant and the first petitioner are living together. The third respondent has also filed an affidavit stating that she has not received any compensation from the Government.

5. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by



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Mr.P.Sarathamani, Special Sub Inspector, All Women Police Station, Dindigul Rural, 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 now 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 85, 89, 351(2) BNS and Sections 3(1)(w)(ii) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

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 proceedings in Crime No.35 of 2024 pending before the second respondent police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.35 of 2024 on the file of the second respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

29.10.2024

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

1. The Deputy Superintendent of Police,
Dindigul Rural Sub-Division,
Dindigul District.
2. The Sub-Inspector of Police,
All Women Police Station,
Dindigul Rural,
Dindigul 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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