



Crl.O.P.(MD)No.17734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17734 of 2024

Rajesh

... Petitioner

Vs.

1.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
(Crime No.143 of 2024)

2.Ashmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records in C.C.No.362 of 2024 in Crime No.143 of 2024 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and quash the same as illegal as against the petitioner.

For Petitioner : Mr.S.Sivaprakash

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

For R2 : Mr.M.B.Sivasankar

ORDER

The Criminal Original Petition has been filed, invoking Section



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528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.362 of 2024 pending on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.

2. The case of the prosecution is that the petitioner/sole accused, by suppressing his first marriage, had married the second respondent/defacto complainant on 26.06.2024 and after coming to know about the same on that day itself, the second respondent has asked the petitioner, for which, the petitioner had abused the second respondent in filthy language and also threatened her with dire consequences.

3. The learned counsel appearing for the petitioner 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.143 of 2024 on 26.06.2024 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.362 of 2024 for the offences under Sections 294(b), 417 and 506(2) IPC against the petitioner and is pending on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.



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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 petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and they were identified by Mr.G.Nadarajan, Special Sub Inspector, Nithiravilai Police Station, Kanyakumari 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, it is a matrimonial dispute 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), 417 and 506(2) IPC.

7. The legal position expressed by the Hon'ble Apex Court in the



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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 C.C.No.362 of 2024 as against the petitioner pending before the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari 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.362 of 2024, on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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To

- 1.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.
- 2.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.17734 of 2024

Dated: 29.10.2024