



Crl.O.P.(MD)No.17975 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17975 of 2024

1.Boominathan
2.Arumugam
3.Muthupriya
4.Jeyaveni
5.Mugunthan
6.Vishal
7.Sasi @ Sasikumar

: Petitioners/A1 to A7

Vs.

1.The State of Tamil Nadu,
Represented by
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Crime No.215 of 2022

... 1st Respondent/Complainant

2.Sivabackiyam

... 2nd Respondent/Defacto complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records of FIR in Crime No.215 of 2022 on the file of the first respondent police and to quash the same.

For Petitioners : Mr.B.Santhanam Rajesh Kumar

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

For R2 : Mr.G.Vinoth Raj



ORDER

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The petitioners/A1 to A7 in Crime No.125 of 2022 for the offences under Sections 147, 294(b), 323 of 379 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, has filed this quash application.

2.The case against the petitioners is that on 09.10.2024, when the respondent police received information from the Government College Hospital, Ramanathapuram, they enquired the inpatient Sivabackiyam, w/o Kanagavel and recorded her statement and also registered the present case. As per the complaint, the second respondent/defacto complainant stated that she has male and female children, her daughter was married. In the year 2011, the defacto complainant's husband had pledged 15 cents of land with her brother-in-law, the first petitioner herein, for the purpose of her daughter's marriage. Thereafter, when the defacto complainant's husband was ready to repayment of the pledged amount, the same was not received by the first petitioner. On 01.10.2021, the 15 cents of land, which was given as security, was executed in favour of one Gomathi. Till date, the first petitioner refused to receive the pledged amount, she lodged a complaint before the Collector and the Superintendent of Police,



Ramanathapuram District. On 07.10.2022 at about 05.00 p.m., there was a ceremony held by the first petitioner, the defacto complainant was not informed. When she questioned the same, the petitioners abused the defacto complainant in filthy language and attacked her. Further, the defacto complainant's husband as well as her daughter were also assaulted. Thereafter, the defacto complainant had taken treatment at inpatient. Hence, the case has been registered.

3.It is a dispute within the family dispute. Since the issue has been resolved and the parties have entered into a compromise and the memorandum of compromise has also been filed before this Court.

4.Today, both the parties are present before this Court and they produced the joint compromise memo executed by the petitioners as well as the second respondent along with their Aadhar cards. Their identity has not been disputed being the respondent police is present and enquired and also confirmed the compromise and also the identity. The second respondent/defacto complainant also agrees to withdraw the complaint and has no objection for quashing the First Information Report in Crime No.215 of 2022. The said compromise memo is extracted hereunder:



“AFFIDAVIT FILED BY THE SECOND RESPONDENT

I, Sivabackiyam w/o Kanagavel, Hindu Femal aged about 40 years, residing at No.2/233 Sakthiuram, Ramanathapuram, Ramanathapuram District, do here by solemnly affirm and sincerely state as follows:

1.I am of the second respondent/defacto complainant in Crime No.215 of 2022 on the file of the first respondent police and such I am well acquainted with the fact and circumstance of the case.

2.It is further more submitted that, I am a defacto complainant of the above said case, hence I filed this affidavit,

3.I humbly submit that the case of the prosecution is that defacto complainant namely Sivabackiyam is the wife of the 1st and 2nd petitioner elder brother. In this circumstances, during the year 2011, the defacto complainant's husband namely Kanagavel mortgage the 15 cents lands belong to the 1st petitioner, therefore, some misunderstanding between the both families. At this juncture, on 07.10.2022, the defacto complainant's mother in law Memorial day was conducted at Sethu karai seashore at that time, defacto complainant's daughter namely Gomathi questioned to the 1st petitioner/Accused. Therefore, the petitioners/Accused 1 to 7 all of them joined together, abused the defacto complainant's daughter with filthy language and also attacked with hand and damage the mobile phone. Therefore the defacto complainant lodged a complaint to the respondent police and the respondent police registered a case against the petitioners in crime No: 215/2022 u/s. 147, 294(b), 323, 379 (NH), of IPC and 4 of TNPHW Act.

4. I humbly submit that after the registration of the present F.I.R myself and the petitioners were settled the disputes themselves by arrived a compromise in amicable manner. All petitioners are my close relatives. Therefore we are compromised in out of Court, I am



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agree to quash the first information report as against the petitioners herein and so the continuance of the proceeding in this case will not any fruitful result. Hence this continuance of proceedings in crime No:215 of 2022 on the file of the 1st respondent police is not necessary and hence, I am filling this affidavit supporting the petitioners before this Hon'ble court.

In the above circumstance, it is humbly prayed that this Hon'ble Court may pleased to accept this affidavit and quash the FIR in Crime :No. 215 of 2022 on the file of the 1st Respondent police and allowing the said quash petition and pass such further or other orders as this Hon'ble Court may deem fit and proper in the above circumstances and thus render justice.”

4.The learned Government Advocate (Crl.side) submitted that it is a dispute within the family members and now it is informed that the dispute has been resolved and the defacto complainant is not willing to pursue the case.

5.In view of the above, this Court is inclined to allow this petition. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.215 of 2022 shall stand quashed. The terms of joint compromise memo shall form part and parcel of this order.

04.11.2024

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

- 1.The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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