



Crl.O.P.(MD)No.18289 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18289 of 2024

1. Karkuvelraja
2. Natarajan
3. Pandiselvi
4. Samutha

... Petitioners

Vs.

- 1.The Inspector of Police,
All Women Police Station
Madurai Town
Madurai City

- 2.Sindhu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the proceedings in CC No.170 of 2022 on the file of the Judicial Magistrate cum Additional Mahila Court, Madurai and quash the same.

For Petitioners : Mr.K.M.Raghavan



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For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)
For R2 : Mr.P.S. Nagarajan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC No.170 of 2022 on the file of the Judicial Magistrate cum Additional Mahila Court, Madurai

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 05.06.2017 and at the time of marriage 35 sovereigns of gold jewels were presented and after one month of marriage the accused persons demanded more dowry and caused cruelty on the defacto complainant. Hence the case.

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.2 of 2019 , after investigation, final report filed, the same taken cognizance in CC No.170 of 2022 on the file of the Judicial Magistrate cum Additional Mahila Court, Madurai, for the



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offences under Sections 498(A) and 406 of IPC against the petitioners.

He further submitted that the first petitioner and the defacto complainant has filed a petition for divorce between the Family Court, Madurai in HMOP NP.1327 of 2024 and same was ordered and divorce was granted.

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, divorce has been granted and agreeing to withdraw the complaint, not willing to pursue the case.

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 Mrs. D. Kavitha, WSSI, AWPS, Madurai City, 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.



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6. In the instant case, the dispute is of personal in nature arise out of 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 498(A) and 406 of 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.

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.No.241 of 2023 as against the petitioners pending before the Chief Judicial Magistrate Court, Ramanathapuram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in CC No.170 of 2022 on the file of the Judicial Magistrate



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cum Additional Mahila Court, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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12.11.2024

To

- 1.The Judicial Magistrate cum Additional Mahila Court, Madurai
- 2.The Inspector of Police,
All Women Police Station
Madurai Town
Madurai City
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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