



Crl.O.P.(MD)No.18160 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18160 of 2024

Chellamuthu

... Petitioner

Vs.

1.The Inspector of Police,
Bazar Police Station,
Ramanathapuram District.

2.Chitra

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No. 192 of 2023 pending before the Judicial Magistrate cum Additional Mahila Court, Ramanathapuram, Ramanathapuram District and quash the proceedings against the petitioner as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.B.Mahendrarajan

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : Mr.S.Vikram



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.192 of 2023 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Ramanathapuram, Ramanathapuram District and quash the same as against the petitioner.

2.The case of the prosecution is that due to land dispute, the petitioners abused the defacto complainant in filthy language and also assaulted her and hence, the defacto complainant has lodged a complaint.

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.387 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.192 of 2023 on the file of the Judicial Magistrate cum Additional Mahila Court, Ramanathapuram, Ramanathapuram District, for the offences under Sections 294(b), 355, 323, 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioners.



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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 and they were identified by Mr.P.Babu, Special Sub Inspector of Police, Bazar Police Station, 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 civil in nature and 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 294(b), 355, 323, 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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



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(2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarath** 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.192 of 2023, on the file of the Judicial Magistrate cum Additional Mahila Court, Ramanathapuram, Ramanathapuram 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.192 of 2023, on the file of the Judicial Magistrate cum Additional Mahila Court, Ramanathapuram, Ramanathapuram District, is quashed and the joint compromise memo shall form part and parcel of this order.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Judicial Magistrate cum Additional Mahila Court,
Ramanathapuram, Ramanathapuram District.
- 2.The Inspector of Police,
Bazar Police Station,
Ramanathapuram 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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