



Crl.O.P.(MD)No.18475 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18475 of 2024

1.Chellakumaran
2.Sakunthala
3.Vijayalakshmi
4.Karuppiah
5.Senthilkumar

... Petitioners

Vs.

State of Tamil Nadu

1.The Inspector of Police,
All Women Police Station,
Meluri, Madurai District.

2.Silambarasi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned proceedings in CC.No.204 of 2020 on the file of the learned Judicial Magistrate Court, Melur, in Crime No.107 of 2016 on the file of the Inspector of Police, All Women Police Station (AWPS) Melur, quash the same and allow this criminal original petition on the file of this Court.

For Petitioners : Mr.V.Janakiramulu



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Crl.O.P.(MD)No.18475 of 2024

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.S.Selvakumar

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in CC.No.204 of 2020 on the file of the learned Judicial Magistrate Court, Melur, in Crime No.107 of 2016 on the file of the Inspector of Police, All Women Police Station (AWPS) Melur, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 06.09.2010 a marriage was solemnized between the first petitioner. At the time of their marriage, 45 sovereigns of god jewels, Rs.1,00,000/- cash, Rs.3,50,000/- worth about household articles and 5 sovereigns of gold jewels to the first petitioner were presented by the defacto complainant's parents. After marriage, they are living in the joint family with the other petitioners/A2 to A5. Thereafter, the petitioners demanded Rs.3,00,000/- cash and 25 sovereigns of gold jewels as dowry. When the same was



Crl.O.P.(MD)No.18475 of 2024

opposed by the defacto complainant, she was driven by the petitioner from the marital home. Hence, the complaint.

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.107 of 2016, after investigation, final report filed, the same taken cognizance in C.C.No.204 of 2020, on the file of the learned Judicial Magistrate, Melu, for the offences under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act against the petitioners.

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, the second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. On the side of the petitioners it is stated that the second respondent agreed to withdraw the DV case in DVC NO.88 of 2023 on the file of the learned Additional Mahila Court, Madurai, and the above



Crl.O.P.(MD)No.18475 of 2024

criminal case filed against the petitioners. Further, today i.e., 13.11.2024 the first petitioner has given a sum of Rs.10,00,000/- through a demand draft dated 23.09.2024 bearing DD.No.921457, drawn on Indian Overseas Bank, A.Vallalapatti Branch in the name of his daughter C.Durshika towards permanent alimony to the second respondent.

6. 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 Ms.T.Parimala, WSSI, Melur AWPS, 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.

7. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act.



Crl.O.P.(MD)No.18475 of 2024

WEB COPY

8. 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.

9. 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.204 of 2020 as against the petitioners pending before the learned Judicial Magistrate, Melur, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.204 of 2020, on the file of the learned Judicial Magistrate, Melur, 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
Rmk

13.11.2024



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Crl.O.P.(MD)No.18475 of 2024

M.NIRMAL KUMAR, J.

Rmk

To

- 1.The Judicial Magistrate,
Melur, Madurai District.
- 2.The Inspector of Police,
All Women Police Station,
Meluri, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.18475 of 2024

Dated: 13.11.2024