



Crl.O.P.(MD)No.19226 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Kaviarasu

2.Arasu

[Wrongly mentioned in F.I.R. as "Tamilarasan"]

3.Dhanalakshmi

4.Baby Priya

[Wrongly mentioned in F.I.R. as "Devipriya"]

5.Navaneetha Pandiyan

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep. by
The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No.32 of 2023)

2.Keerthana @ Selva Keerthana

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
2023, to call for the records pertaining to the F.I.R. registered in Crime



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No.32 of 2023, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.S.M.Arun Kumar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Ms.A.P.Yazhini

ORDER

The Criminal Original Petition has been filed invoking Section 528 B.N.S.S., 2023, seeking orders to quash the F.I.R. in Crime No.32 of 2023, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent was married to the first petitioner on 01.06.2023. The second respondent's parents presented 27 sovereigns of gold jewels to her and three sovereigns of gold jewels to the first petitioner, along with marriage gifts worth Rs.5,00,000/-. The first petitioner demanded a bullet bike be presented to him one week before the marriage. The first petitioner and the second and third petitioners, who are the parents of the first petitioner, agreed to proceed with the marriage only after the bullet bike was presented.



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2.1. After the marriage, the second respondent and the first petitioner lived together in the Fire and Rescue Service Quarters in Chennai, for four days. Subsequently, the second respondent moved with the first petitioner's parents and lived there until 27.06.2023. During this period, the petitioners demanded the second respondent's salary, and Rs.5,00,000/- to redeem jewels belonging to the fourth petitioner, and a house property in Chennai. When these demands were not met, they abused, threatened and harassed, if she failed to comply with the demands.

2.2. As a result, on 28.06.2023, the second respondent left the petitioners' home and went to her parental home, where she resided. On 03.08.2023, the first petitioner took her back to the matrimonial home after a mediation. However, the petitioners continued their demand and threats, using abusive language against the second respondent. On 17.08.2023, she left the matrimonial home with her brother and lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second



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respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.32 of 2023, dated 11.10.2023, for the offences under Sections 498(A), 294(b) and 506(i) of I.P.C. and Section 4 of the Dowry Prohibition Act, 1961, against the petitioners.

4. The case is still under the investigation. 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 and affidavit filed before this Court, signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent present in person before this Court and they were identified by Ms.T.Parimala, Special Sub-Inspector of Police, All Women Police Station, Melur, Madurai District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The first petitioner and the second respondent decided to



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part ways and filed divorce petition by mutual consent in H.M.O.P.No. 125 of 2024, resolving all the issues between them.

6. In the instant case, the dispute arises due to matrimonial discord and now 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 498-A, 294(b) and 506(i) of I.P.C. and Section 4 of the Dowry Prohibition Act, 1961.

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 Crime No.32 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.32 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

11.11.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Inspector of Police,
All Women Police Station,
Melur,
Madurai 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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Order made in
Crl.O.P.(MD)No.19226 of 2024

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