



Crl.O.P.(MD)No.18941 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18941 of 2024

Muthukumar

... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.133 of 2024)

2.Dhanalakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned F.I.R. in Crime No.133 of 2024, dated 02.03.2024, on the file of the first respondent Police and quash the same.

For Petitioner : Ms.A.P.Yazhini

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

For R2 : Mr.S.M.Arun Kumar



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ORDER

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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.133 of 2024, dated 02.03.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent is the mother-in-law of Selva Keerthana, who is the sister of the petitioner. Selva Keerthana had gone to her parental home after a quarrel with her husband and with the second respondent. On 21.02.2024, at around 06:00 p.m., the petitioner came along another person and attacked the second respondent and her husband. The petitioner used abusive language and threatened their lives, brandishing a log. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.133 of 2024, dated 02.03.2024, for the offences under Sections 294(b), 323 and



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506(ii) of I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioner.

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. Now, Kaviarasan, son of second respondent and Selva Keerthana, sister of the petitioner have filed divorce petition by mutual consent in H.M.O.P.No.125 of 2024, decided to part ways.

5. A Joint Memo of Compromise, dated 11.11.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also 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.



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6. In the instant case, the dispute is of personal in nature stems out of 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 294(b), 323 and 506(ii) of I.P.C. 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 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.133 of 2024, 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.133 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, dated 11.11.2024, shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
smn2

11.11.2024

To

- 1.The Inspector of Police,
Melur Police Station,
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.18941 of 2024

Dated: 11.11.2024