



WEB COPY

CrI.O.P.(MD)No.20110 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.20110 of 2024

Thangapalani

... Petitioner

-Vs-

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam, Madurai District.
(Crime No.129 of 2024)

2.Prabha

3.Karuppaiah

4.Suriyadevar

5.Nallathambi @ Kannan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records and to quash the same
in Crime No.129 of 2024 on the file of the first respondent police.

For Petitioners	: Mr.B.Duraipandi
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Mr.S.Muhu Malairaja

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No. 129 of 2024 on the file of the first
respondent Police.



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2. The case of the prosecution is that the petitioner and the second respondent are the husband and wife and due to some matrimonial dispute, there were some quarrel between the petitioner and the second respondent and the accused persons have beaten the second respondent with iron rod and caused injuries. Hence, the complaint.

3. 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.129 of 2024 for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC r/w Section 4 of TNPHW Act, 2002.

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 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 Mr.R.Jeyaraman, SSI of Police, Thirumangalam Taluk



Police Station, Madurai District as well as by the learned counsel 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 defacto complainant and the second petitioner are husband and wife. Due to some matrimonial dispute, there were some quarrel among the parties and now they compromised the matter amicably and are living together. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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.129 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.129 of 2024, 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.

10.12.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam, 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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