



Crl.O.P.(MD)No.19364 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19364 of 2024

and

Crl.M.P.(MD)11951 and 11952 of 2024

1.M.Kasimayan
2.C.Pappu
3.C.Jayamani
4.C.Ravi
5.J.Petchiyammal
6.R.Selvi

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.16 of 2019)

2.K.Praveena

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in C.C.No.218 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate No.1, Usilampatti and quash the same as illegal as against the petitioners concerned.



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For Petitioners : Mr.J.Jeyakumaran
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.P.Arumugam

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the charge sheet in C.C.No.218 of 2022 on the file of the District Munsif Cum Judicial Magistrate No.1, Usilampatti for the offences under Sections 498(A), 406, 294 (b) and 506 (2) IPC.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant. The petitioners 2 to 6 are the in-laws of the defacto complainant. There is a matrimonial discard between the first petitioner and the defacto complainant. Hence, the second respondent had lodged a complaint before the first respondent stating that the petitioners are demanding dowry from the defacto complainant and the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent



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and F.I.R. registered in Crime No.16 of 2019, after investigation, final report was filed and the same taken cognizance in C.C.No.218 of 2022, on the file of the District Munsif Cum Judicial Magistrate No.1, Usilampatti, for the offences under Sections 498(A), 406, 294 (b) and 506 (2) IPC against the petitioners. He further submitted that some of the accused have been released from the charges even at the FIR stage itself.

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. The first petitioner agreed to pay a sum of Rs.3.5 lakhs to the defacto complainant as permanent alimony. He has also produced a demand draft for the said amount, which was received by the defacto complainant on undertaking that she will appear before the Family Court and withdraw the matrimonial case filed by her in H.M.O.P.No.157 of 2019. Now both parties reconciled and the second respondent agrees to withdraw the complaint as she is not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the third respondent and their respective counsels.



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The petitioners and the defacto complainant appeared in person before this Court. This Court has enquired both the parties and satisfied that the parties have come to an amicable settlement. The petitioners and the second respondent present before this Court, identified by Ms.R.Renugga, All Women Police Station, Usilampati District, as well as by the learned counsels appearing for the parties

6. In the instant case, there is a matrimonial dispute between the first petitioner and the defacto complainant. Now the parties have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, 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



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the proceedings in C.C.No.218 of 2022 as against the petitioners pending before the District Munsif Cum Judicial Magistrate No.1, Usilampatti, 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.218 of 2022, on the file of the District Munsif Cum Judicial Magistrate No.1, Usilampatti, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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28.11.2024

To

- 1.The District Munsif Cum Judicial Magistrate No.1,
Usilampatti
- 2.The Deputy Superintendent of Police,
Puliyandugi Sub Division,
Tenkasi District.
- 3.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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The matter is listed today under the caption, “for being mentioned” at the instance of the learned counsel for the petitioners.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioners would submit that there is typographical error in Paragraphs 4 and 5 of the online order dated 28.11.2024.

3. Paragraph No.4, is modified and replaced as follows:-

“4. It is submitted that by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably between themselves. This Compromise was pursuant to the reference to the Mediation and during the Mediation, understanding was arrived at and was agreed that the petitioner to pay a sum of Rs.3,50,000/- to the defacto complainant, as permanent alimony. The petitioner has produced and handed over two Demand Drafts to the defacto complainant of



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Rs.1,75,000/- and Rs.1.75,000/-, each drawn on State Bank of India, Anna Nagar Branch, Madurai, dated 20.11.2024 and 21.11.2024 respectively in DD.No.923932 and 923936 respectively. The Demand Drafts are handed over before this Court and the respondent received and acknowledged the same. Further, the understanding arrived is that the petitioner to appear before the Family Court and to inform about the compromise arrived at and to file appropriate petition before the Family Court to get their matrimonial dispute resolved either in the H.M.O.P.No.157 of 2019, pending on the file of Sub-Court, Usilampatti, or by filing fresh petition. Now, both parties reconciled the dispute amicably and give quietus to both criminal and matrimonial cases.”

4. Further, the learned counsel submitted that in paragraph No.5, in the first line, instead of 2nd respondent it has been wrongly typed as third respondent and therefore, the same may be corrected.

5. Hence, the first line of paragraph No.5 is modified as follows:-

“5. A Joint Memo of Compromise filed



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before this Court signed by the petitioners
and the 2nd respondent and their respective
counsels.”

20.12.2024

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Order made in
CRL O.P(MD)No.19364 of 2024

Dated: 20.12.2024