



Crl.O.P.(MD)No.19283 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.19283 of 2024

Radha Gandhi

... Petitioner

Vs.

1.The State of Tamil Nadu through
The Inspector of Police,
All Women Police Station,
Tenkasi District.
(Crime No.4 of 2018)

2.R.Susithra

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the impugned proceedings of the charge sheet in C.C.No.487 of 2018, on the file of the Judicial Magistrate Court, Tenkasi, and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.J.Thomas Raja Durai

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



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For R2

: Ms.B.Suvathi

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 C.C.No.487 of 2018, on the file of the learned Judicial Magistrate Court, Tenkasi, and quash the same as against the petitioner.

2. The case of the prosecution is that the petitioner was employed as a Teacher at a Government School in Manalkattanur and married the second respondent seven years ago. A female child was born of their marriage. However, the petitioner began an illicit relationship with another woman named, Rajeswari, who was arrayed as A2 and failed to support the second respondent and their child. On 04.03.2018, at around 10:30 a.m., when the second respondent confronted the petitioner about this, he verbally abused her in filthy language, took the child from her, and threatened her with dire consequences. He then left with the child and informed the second respondent that he had married Rajeswari/A2 and was living with her in Valparai. As a result, the second respondent lodged a complaint.



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3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, F.I.R came to be registered in Crime No.4 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.487 of 2018, on the file of the Judicial Magistrate, Tenkasi, for the offences under Sections 294(b), 498-A, 494 and 506(ii) I.P.C. against the petitioner.

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.

5. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Ms.S.Vasanthi, Special Sub-Inspector of Police, All Women Police



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Station, Tenkasi, as well as by the learned counsels 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 dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 498-A, 494 and 506(ii) I.P.C.

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 C.C.No.487 of 2018 as against the petitioner pending before the Judicial Magistrate Court, Tenkasi, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.487 of 2018, on the file of the Judicial Magistrate Court, Tenkasi, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
smn2

11.11.2024

To

- 1.The Judicial Magistrate,
Tenkasi.
- 2.The Inspector of Police,
All Women Police Station,
Tenkasi District.
- 3.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.19283 of 2024

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