



Crl.O.P.(MD)No.19337 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.19337 of 2024

Sivaprakash @ Sivaprakasam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thenkarai,
Theni District.
(Crime No.157 of 2023)

2.Murugeswari

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in C.C.No.471 of 2023, pending on the file of the Judicial Magistrate Court, Periyakulam, Theni District, in Crime No.157 of 2023, under Sections 354A and 506(i) I.P.C. on the file of the first respondent and quash the same.

For Petitioner : Mr.A.Karthick Kumar

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



Crl.O.P.(MD)No.19337 of 2024

For R2

: Mr.P.Chandrasekaran

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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.471 of 2023, on the file of the learned Judicial Magistrate Court, Periyakulam, Theni District, and quash the same as illegal.

2. The case of the prosecution is that the second respondent was the President of No.1710 Women's Stitching Co-operative Society for the past five years, while the petitioner was working as an Officer in the said Society. During his tenure, the petitioner subjected the second respondent to sexual harassment and physical abuse. He also threatened her, stating that he would prevent her from becoming the President of the Society. In response, she filed a petition before the Social Welfare Officer, Theni, on 10.01.2023. Following her complaint, enquiry was conducted, and a report was submitted on 28.02.2023. Subsequently, the petitioner threatened the second respondent, warning she should not take any action against him. He told her that if she complied with his



Crl.O.P.(MD)No.19337 of 2024

demands, he would assign work to her, but if she refused, he would continue to harass her and gave life threat. Hence, the second respondent lodged the present complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.157 of 2023, after investigation, filed final report, the same was taken cognizance in C.C.No.471 of 2023, on the file of the Judicial Magistrate, Periyakulam, Theni District, for the offences under Sections 354-A and 506(i) I.P.C. against the petitioner.

4. The case is under trial. The petitioner and the second respondent are relatives. The complaint was filed due to a misunderstanding. The second respondent admits that the complaint was made in an emotional state and, thereafter, she realized the nature of the allegations made against the petitioner. The issue is now resolved. Taking into account the petitioner's family situation, the consequences of his removal from the Department, and the suffering he is endured, the second respondent voluntarily decided to withdraw the complaint and will not pursue the matter any further.



Crl.O.P.(MD)No.19337 of 2024

WEB COPY

5. A Joint Memo of Compromise, dated 14.10.2024, has been filed before this Court signed by the petitioner and the second respondent and by their respective counsels. The petitioner and the second respondent present before this Court and identified by Mr.V.Senthilkumar, Sub-Inspector of Police, Thenkarai Police Station, Theni District, as well as by their respective counsels. This Court enquired both the parties and 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 354-A and 506(i) 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.



Crl.O.P.(MD)No.19337 of 2024

WEB COPY

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.471 of 2023 as against the petitioner pending before the Judicial Magistrate Court, Periyakulam, Theni District, even though, the offences involved are not compoundable in nature. Considering the family relationship and the second respondent due to emotional outburst, gave a complaint, on her own assumption, now, realized and condoned the act of the petitioner.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.471 of 2023, on the file of the Judicial Magistrate Court, Periyakulam, Theni District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. It is clarified that if any departmental proceedings are initiated against the petitioner, they shall proceed independently, without reference to the order passed by this Court in this Criminal Original Petition.

NCC : Yes / No
Index : Yes / No
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11.11.2024



Crl.O.P.(MD)No.19337 of 2024

To
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- 1.The Judicial Magistrate,
Periyakulam,
Theni District.
- 2.The Inspector of Police,
Thenkarai,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.19337 of 2024

M.NIRMAL KUMAR, J.

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Order made in
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