



Crl.O.P.(MD)No.19826 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19826 of 2024

1. Dinesh Kannan

2. Praveen Kumar

3. Sukumari

4. Mookkammal

5. Perumal

... Petitioners

Vs

1. The State of Tamilnadu
Rep by the Inspector of Police
Veeravanallur Police Station
Thirunelveli District.
Crime No.24/2023..

2. Vannamayil

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS 2023 to call for the records S.C.No.478 of 2024 pending on the file of the Sessions Mahila Court Tirunelveli and quash the same.



WEB COPY



Crl.O.P.(MD)No.19826 of 2024

For Petitioners : Mr.P.Samuel Gunasingh

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

Mr.N.Balasubramanian (R2)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in S.C.No.478 of 2024 on the file of the Sessions Mahila Court, Tirunelveli.

2. The case of the prosecution is that both the 1st petitioner and the 2nd respondent fell in love with each other and they had physical relationship for the past 6 years, thereby, the 2nd respondent became pregnant. The 1st petitioner refused to marry the 2nd respondent. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.24 of 2023. After investigation, a final report has been filed and the same was taken



Crl.O.P.(MD)No.19826 of 2024

WEB COPY

cognizance in S.C.No.478 of 2024 on the file of the Sessions Mahila Court, Tirunelveli, for the offences under Sections 294(b), 323, 376, 417, 506(ii) IPC and Section 4 of TNPHW Act , against the petitioners.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves. Now the victim and the first petitioner got married and living happily and the second respondent/victim is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 14.11.2024 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court, identified by Ms.K.Rachel Mercy, WSSI, Veeravanallur Police Station, Tirunelveli 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 on their own voluntarily without any compulsion.



Crl.O.P.(MD)No.19826 of 2024

WEB COPY

6. In the instant case, the first petitioner and the victim got married and they are living happily. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 323, 376, 417, 506(ii) IPC and Section 4 of TNPHW Act.

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*** was 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 S.C.No.478 of 2024 as against the petitioners pending before the Sessions Mahila Court, Tirunelveli, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.478 of 2024, on the file of the Sessions



Crl.O.P.(MD)No.19826 of 2024

WEB COPY

Mahila Court, Tirunelveli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

20.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Sessions Judge, Mahila Court Tirunelveli

2.The Inspector of Police
Veeravanallur Police Station
Thirunelveli District.
Crime No.24/2023.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



Crl.O.P.(MD)No.19826 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.19826 of 2024

20.12.2024