



Crl.O.P.(MD)No.19825 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.19825 of 2024

1. Mahesh
2. Mariappan
3. Mariammal
4. Patchai Priya @ Divya

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station, Thoothukudi
Crime No. 34/2024.

2. J.Mariysta

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in Crime No. 34/2024 on the file of the 1st respondent police for an offences u/s 64 and 294(b) of BNS Act, dated 07.10.2024 and quash the same as it has no prima facie case as against the petitioners.



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For Petitioners : Mr.G.Radhakrishnan,

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

M/s R.Iyappan (R2)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.34 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that both the first petitioner and the defacto complainant loved each other and based on the promise to marry the victim, the first petitioner had sexual intercourse with the victim. Since the 1st petitioner refused to marry the victim, this present case has been lodged by the victim.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners 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.34 of 2024, dated



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for the offences under Sections 64 & 294(b) of BNS Act
against the petitioners.

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, dated 14.11.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.S.Suganthi, SI of Police, Thoothukudi All Women Police Station, 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 and the first petitioner and the victim had got married.



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6. In the instant case, the dispute is of personal in nature and now the parties had compromised and the first petitioner and the victim had got married. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 64 & 294(b) of BNS 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* 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.34 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.34 of 2024, on the



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file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

20.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1.The the Inspector of Police,
All Women Police Station, Thoothukudi
Crime No. 34/2024.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.NIRMAL KUMAR, J.

PNM

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