



Crl.O.P.(MD)Nos.21103 and 21125 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.21103 and 21125 of 2024

Crl.O.P.(MD)No.21103 of 2024:-

Ajay Kumar

... Petitioner

Vs.

1.State of Tamil Nadu, Rep by its,
The Inspector of Police,
Thirpparangundram Police Station,
Madurai.
(Crime No.403 of 2023)

2.Nandhini

3.Karthic

4.Rajadurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the records and quash the entire proceedings in C.C.No.91 of 2024, pending on the file of the Judicial Magistrate Court No.VI, Madurai, insofar as the petitioner is concerned.

For Petitioner : Mr.M.Manikandan

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



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For R2 to R4

: Mr.N.Jeyaram Sidharth

Crl.O.P.(MD)No.21125 of 2024:-

1.Karthick

2.Rajadurai

... Petitioners

Vs.

1.State of Tamil Nadu, Rep by its,
The Inspector of Police,
Thirpparangundram Police Station,
Madurai.
(Crime No.402 of 2023)

2.Palanichamy

3.Hemalatha

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the records and quash the entire proceedings in C.C.No.91 of 2024, pending on the file of the Judicial Magistrate Court No.VI, Madurai, insofar as the petitioners are concerned.

For Petitioners

: Mr.N.Jeyaram Sidharth

For R1

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

For R2 and R3

: Mr.M.Manikandan



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COMMON ORDER

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These Criminal Original Petitions have been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the proceedings in C.C.Nos.645 of 2024 and 91 of 2024, on the file of the Judicial Magistrate Court No.VI, Madurai.

2. The case of the prosecution in Crl.O.P.(MD)No.21103 of 2024 is that the petitioner is a gym trainer to the de-facto complainant. During her time at the gym, the petitioner took selfies/photos with her. The petitioner took advantage of this by threatening the de-facto complainant via phone calls. Despite the threats, the second respondent (the de-facto complainant) along with her husband and brother went to the petitioner's home to question him about his behavior, particularly concerning the threats, and raised the matter with the petitioner's father. During this interaction, the petitioner used filthy language against the second and third respondents (the complainant's husband and brother), and even tried to attack them. Thereafter, the second and third respondents left the petitioner's home and lodged a complaint with the first respondent Police. Based on the complaint, a case in Crime No.403 of 2023 was registered for the offences under Sections 294(b), 323, 506(ii) of the



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I.P.C., read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 (TNPHW Act, 2002) and on completion of investigation, filed the final report, which was taken cognizance of in C.C.No.645 of 2024, by the learned Judicial Magistrate No.VI, Madurai.

3. The case of the prosecution in Crl.O.P.(MD)No.21125 of 2024 is that the 1st petitioner's wife, named Nandhini, regularly attended a gym center, where she developed a friendship with Ajay Kumar, the 2nd respondent's son, who worked as a trainer there. During their training sessions, they formed a friendship. However, during this period, Nandhini concealed her married status from Ajay Kumar. Eventually, Ajay Kumar discovered that Nandhini was already married, and this led him to distance himself and avoid continuing the friendship. Misunderstanding the reason for Ajay Kumar's avoidance, the 1st petitioner (husband of Nandhini) filed a complaint at the All Women Police Station, Madurai City. During the police enquiry, the enquiry officer found that the complaint was unfounded, and the officer rejected the complaint after confirming the truth. The enquiry officer also warned Nandhini regarding the matter. However, due to motive and animosity,



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the petitioners reportedly went to the 2nd respondent's house and attacked the 2nd respondent. During the altercation, the petitioners used filthy language against the 3rd respondent, who is the wife of the 2nd respondent. Following the attack, the 2nd respondent sought medical attention at the hospital for first aid and subsequently, filed a complaint with the 1st respondent Police. Based on this complaint, the Police registered a case in Crime No.402 of 2023 for the offences under Sections 294(b), 324, and 506(ii) of the I.P.C. and on completion of investigation, filed the final report, which was taken cognizance of in C.C.No.91 of 2024, by the learned Judicial Magistrate No.VI, Madurai.

4. In the present cases, the matters are still under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. Joint Memos of Compromise have been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsels. The parties are present before this Court and they were identified by Mr.T.Kamban, Special Sub-



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Inspector of Police, U1 Thirupparankundram L & O Police Station, Madurai, 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 cases, the parties have now compromised the issue. Where the parties have compromised the matter, the High Court has to power to quash the complaint.

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.Nos.645 of 2024 and 91 of 2024 as against the petitioners pending before the Judicial Magistrate Court No.VI, Madurai.



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9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.Nos.645 of 2024 and 91 of 2024 pending before the Judicial Magistrate Court No.VI, Madurai, are quashed as against the petitioners and the joint compromise memos shall form part and parcel of this order.

18.12.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Thirpparangundram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Common Order made in
Crl.O.P.(MD)Nos.21103 and 21125 of 2024

Dated: 18.12.2024