



Crl.O.P.(MD)No.20503 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20503 of 2024

1. Backiyaraj
2. Iruthayaraj
3. Daisyrani
4. Jeyakumar
5. Kannukiniyal
6. Francis @ Francis Pichai

... Petitioners

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Thiruverambur All Women Police Station,
Trichy District.
Crime No.17 of 2021.

2. Jenifar

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, in connection with CC. No.939 of 2022 on the file of learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli in connection with



Crl.O.P.(MD)No.20503 of 2024

Crime No.17 of 2021 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.K. M.Karunakaran

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

For R2 : Mr.R.Fazil Kirmani

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya IClagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.939 of 2022, on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the ^{Pt} petitioner married the defacto complainant and she was subjected to harassment and cruelty on account of demand of dowry. On 01.03.2020, the accused persons abused and threatened the defacto complainant with dire consequences and attacked her with hands. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused



Crl.O.P.(MD)No.20503 of 2024

persons.

3.The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.17 of 2021, after investigation, final report filed, the same taken cognizance in C.C.No. 939 of 2022, on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, for the offences under Sections 498(A), 294(b), 323, 355, 506(i) 1PC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners.

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, for the reason that permanent alimony had been received by the defacto complainant from the first petitioner. The parties have also filed an affidavit to this effect. Now, the defacto complainant/ second respondent agreeing to withdraw the complaint and not willing to pursue the case.



Crl.O.P.(MD)No.20503 of 2024

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5.A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Ms.R.Boomathi, SSI, All Women Police Station, Trichy District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6.In the instant case, the occurrence took place on account of matrimonial dispute. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 498(A), 294(b), 323, 355, 506(i) IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.20503 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.939 of 2022 as against the petitioners pending before the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.939 of 2022, on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

25.11.2024

NCC : Yes / No
Index : Yes / No
PNM



Crl.O.P.(MD)No.20503 of 2024

To
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- 1.The Judicial Magistrate, Additional Mahila Court, Tiruchirappalli.
2. The Inspector of Police,
Koodankulam Police Station,
Koodankulam, Tirunelveli District.
Crime No.354 of 2020
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.20503 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.20503 of 2024

25.11.2024