



Crl.O.P.(MD)No.20789 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20789 of 2024

1.Samuel Rathinamani
2.Maragatham
3.Christy

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City,
Madurai.
(Crime No.7 of 2024).

2.Raji

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.1466 of 2024 on the file of the learned Judicial Magistrate No.II, Madurai, Madurai District in connection with Crime No.07 of 2024 on the file of the Inspector of Police, All Women Police Station, Tallakulam, Madurai City, Madurai and quash the same forthwith.

For Petitioners	: Mr.J.Sankarapandian
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.S.S.Sundara Pandian



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.1466 of 2024 on the file of the learned Judicial Magistrate No.II, Madurai, Madurai District for the offences under Sections 498 (A), 406 and 506 (i) IPC.

2. The case of the prosecution is that the first petitioner and the defacto complainant got married on 22.04.2021. Out of wedlock, there is a female child aged about 2 years. There is a matrimonial dispute between the first petitioner and the defacto complainant. Hence, the second respondent lodged a complaint against the petitioners.

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.07 of 2024, after investigation, final report was filed and the same taken cognizance in C.C.No.1466 of 2024, on the file of the learned Judicial Magistrate No.II, Madurai, Madurai District, for the offences under Sections 498 (A), 406 and 506 (i) IPC against the petitioners.



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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. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise 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 and identified by the Inspector of Police, All Women Police Station, Tallakulam, Madurai 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 without any compulsion.

6. In the instant case, there is a matrimonial dispute between the parties. Now the parties have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.



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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.No.1466 of 2024 as against the petitioners pending before the learned Judicial Magistrate No.II, Madurai, Madurai District, 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.1466 of 2024, on the file of the learned Judicial Magistrate No.II, Madurai, Madurai District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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To

- 1.The Judicial Magistrate No.II, Madurai,
Madurai District
- 2.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City,
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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