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CrI.O.P.(MD)No.20808 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.20808 of 2024

1.Sathiskumar @ Satheeshkumar
2.Thavamoorathi
3.Selvarani
4.Manoj Prabakar

... Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
Crime No.40 of 2021.

2.Roja

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to the
impugned charge sheet in C.C.No.1909 of 2022 on the file of the learned
Additional Mahila Court, Madurai and quash the same.

For Petitioners	: Mr.K.Navaneetharaja
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Mr.R.Rajamohan



ORDER

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The Criminal Original Petition has been filed to quash the proceedings in C.C.No.1909 of 2022 on the file of the Additional Mahila Court, Madurai.

2. The case of the prosecution is that the second respondent and the first petitioner got married in the year 2019. There arose some matrimonial dispute between them, which had resulted in altercation between the family members. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged complaint before the first respondent in Crime No.40 of 2021, and after investigation, final report was filed and the same was taken cognizance in C.C.No.1909 of 2022 on the file of the Additional Mahila Court, Madurai for the offences under Sections 498(A), 406, 294(b) & 506(i) IPC 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. Now, both realized their mistakes, reconciled and second respondent agrees to withdraw the complaint.



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 WSSI of Police, Thallakulam Police Station, Madurai City, as well as by the learned counsel 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 was a matrimonial dispute between the second respondent and the first petitioner. They have also filed a divorce application and now they got separated. Now the parties have compromised the matter amicably. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

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.



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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.1909 of 2022 on the file of the learned Mahila Court, Madurai even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.1909 of 2022 on the file of the Additional Mahila Court, Madurai is quashed and the joint compromise memo shall form part and parcel of this order.

10.12.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thallakulam, MaduraiCity.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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