



Crl.O.P.(MD)No.20895 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20895 of 2024

1.Balaji
2.Balakrishnan @ Balu ... Petitioners

Vs.

1.State Rep. by,
The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
(Cr.No.99/2018)

2.Ponnusamy
3.Alageshwari ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in S.C.No.52 of 2023, on the file of the Mahila Court, Pudhukkottai and quash the same.

For Petitioners	: Mr.A.Azhageson
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl., Side)
For R2 & R3	: Mr.N.Jeyaram Siddharth



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.52 of 2023, on the file of the Mahila Court, Pudhukkottai and quash the same.

2.The case of the prosecution is that the defacto complainant / 2nd respondent is having three sisters and the 3rd respondent is one of the sisters. When they were going to the agricultural field to meet their father, the petitioners stopped them and dragged the 3rd respondent / victim into the car and kidnapped her. Hence, the complaint has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the 2nd respondent lodged a complaint before the 1st respondent and F.I.R., was registered in Crime No.99 of 2018. After investigation, final report has been filed and the same is taken cognizance in S.C.No.52 of 2023 on the file of the Mahila Court, Pudhukkottai for the offences under Sections 366, 341, 342 and 506(ii) IPC against the petitioner.



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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, for the reason that the issue between them has been settled out of Court and therefore, the 2nd respondent is agreeing to withdraw the case and he is not willing to pursue the matter.

5.A Joint Memo of Compromise filed before this Court signed by the petitioners and the respondents 2 and 3 and their respective counsels. The petitioners and the respondents 2 and 3 are present before this Court and they are identified by Mr.G.Kandasamy, Special Sub Inspector of Police, Illuppur Police Station, Pudukottai District (Contact: 94981 59941) as well as by the learned counsels appearing for the parties. This Court enquired both the parties and 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 dispute is of personal in nature and when the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 366, 341, 342 and 506(ii) IPC.



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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 S.C.No.52 of 2023 as against the petitioners pending before the Mahila Court, Pudhukkottai, even though the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.52 of 2023, on the file of the Mahila Court, Pudhukkottai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

04.12.2024

NCC : Yes / No
Index : Yes / No

Yuva



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To

- 1.The Mahila Court,
Pudukkottai.
- 2.The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Yuva

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