



Crl.O.P.(MD)No.21215 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.21215 of 2024

Jeyasurya

... Petitioner

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
All Women Police Station-Fort,
Trichy City, Trichy.
(Cr.No.8 of 2024)

2.Suganya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., @ 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime No.8 of 2024 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.A.N.Ramanathan

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : Mr.R.Senthil Kumar



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.8 of 2024 dated 21.05.2024 for the alleged offences under Sections 498(A), 323 & 506(i) IPC on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that the petitioner and the 2nd respondent loved each other and got married on 25.07.2022. Out of the said wedlock, the 2nd respondent gave birth to a male child on 24.06.2023. Thereafter, the petitioner harassed the 2nd respondent. Hence, an FIR has been registered against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the 2nd respondent lodged a complaint before the 1st respondent and an FIR has been registered in Crime No.8 of 2024, for the alleged offences under Sections 498(A), 323 & 506(i) IPC.

4.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves for the reason that the dispute between themselves has been settled. Therefore, the 2nd respondent is agreeing to withdraw the complaint and is not willing to pursue the case.



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5.A Joint Memo of Compromise is filed before this Court signed by the petitioner and the 2nd respondent and their respective counsels. The petitioner and the 2nd respondent are present before this Court, identified by Ms.D.Geetha, WAE, Fort All Women Police Station, Trichy City 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.When the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 498(A), 323 & 506(i) IPC.

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 was 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 FIR in



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Crime No.8 of 2024 dated 21.05.2024 as against the petitioner pending before the respondent police, even though the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.8 of 2024 dated 21.05.2024 on the file of the respondent police, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

04.12.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The Inspector of Police,
All Women Police Station-Fort,
Trichy City, Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Yuva

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