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CrI.O.P.(MD)No.21753 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.21753 of 2024

Kanneeshwaran

... Petitioner

-Vs-

1.The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
(Crime No.8 of 2023)

2.Parvathi

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records in respect of Crime
No.8 of 2023 on the file of the first respondent police and quash the same
insofar as the petitioner is concerned.

For Petitioner	: Mr.D.Venkatesh
For R1	: Mr.A.Thiruvadi Kumar Additional Public Prosecutor
For R2	: Mr.T.Lenin Kumar

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.8 of 2023 on the file of the first
respondent Police.



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2. The case of the prosecution is that the petitioner married the defacto complainant in the year 2018. Thereafter, he demanded the defacto complainant to give 5 sovereigns of gold or otherwise give consent for divorce. He also abused the second respondent.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.8 of 2023 for the offences under Sections 498(A), 294(b) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 67 of the Information Technology Act, 2000.

4.The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.N.Gowri, SSI of Police, AWPS Police Station, Palani as



well as by the learned counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, there was some matrimonial dispute between the defacto complainant and the petitioner. Now they compromised the matter amicably and are living together. The High Court has power to quash the complaint even if the offences are non compoundable in nature, 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.

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 Crime No.8 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.8 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

11.12.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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