



Crl.O.P.(MD)No.22660 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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- 1.J.Sathick Ali
- 2.Subaitha @ Subaitha Beevi
- 3.Janober @ Janober Mohamed Mydeen
- 4.Mumtaj @ Mumtaj Begam
- 5.Shanavas ... Petitioners

Vs.

- 1.The State of Tamilnadu represented by,
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.14 of 2015)

- 2.M.A.Nilopher Shrin ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in C.C.No.129 of 2020 on the file of the Additional
Mahila Court (Magistrate Level), Nagercoil and quash the same.



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For Petitioners : Mr.R.J.Karthick
For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R2 : Mr.L.Subramanian Kishore

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 C.C.No.129 of 2020, on the file of the Additional Mahila Court (Magistrate Level), Nagercoil and quash the same.

2. The case of the prosecution is that the de-facto complainant and the 1st petitioner are the husband and wife. The 2nd and 3rd petitioners are mother and aunt of the 1st petitioner, and the 4th and 5th petitioners are the in-laws of the de-facto complainant. The petitioners were harassing the de-facto complainant and her father seeking excess dowry for her physical impairment, and threatened her with dire consequences.

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.14 of 2015, after investigation, final



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report filed and the same taken cognizance in C.C.No.129 of 2020 on the file of the Additional Mahila Court (Magistrate Level), Nagercoil for the offences under Sections 498(A), 323, 406, 506(i) of Indian Penal Code and Sections 3 and 6 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 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 agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mrs.Geetha, Sub Inspector of Police, All Women Police Station, Nagercoil as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties



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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 arise out of matrimonial dispute and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 498(A), 323, 406, 506(i) of Indian Penal Code and Sections 3 and 6 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.129 of 2020 as against the petitioners pending



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before the Additional Mahila Court (Magistrate Level), Nagercoil, 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.129 of 2020, on the file of the Additional Mahila Court (Magistrate Level), Nagercoil 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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20.12.2024

To

- 1.The Additional Mahila Court (Magistrate Level),
Nagercoil.
- 2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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