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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.379 of 2025
and Crl.M.P(MD) Nos.242 & 243 of 2025

Selvaraj

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Crime No.66 of 2019.

2. Sahaya Sindhuja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in C.C.No. 3 of 2021 on the file of the Additional Mahila Court (Magistrate Level), Kanyakumar District and quash the same as against this petitioner alone.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

Mr.S.Arul Raj (R2)

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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 C.C.No.3 of 2021, on the file of the Additional Mahila Court (Magistrate Level), Kanyakumar District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to money dispute, the accused persons forcibly obtained signatures in the blank papers and threatened him with dire consequences. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused persons.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.66 of 2019, after investigation, final report filed, the same taken cognizance in C.C.No.3 of 2021, on the file of the Additional Mahila Court (Magistrate Level), Kanyakumar District, for the offences under Sections 147, 294(b), 342,

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354, 363, 506(ii), 149 IPC and Section 4 of TNPHW Act against the petitioner and others. This Court has already quash the petition as against the co-accused in Crl.O.P(MD) No.22588 of 2023, dated 20.12.2023.

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 petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.S.Seyarajan, SSI, Kanyakumari Police Station, as well as by the learned counsels 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 voluntarily without any compulsion.

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6. In the instant case, the occurrence took place out of money dispute and the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 294(b), 342, 354, 363, 506(ii), 149 IPC and Section 4 of TNPHW Act.

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.3 of 2021 as against the petitioner pending before the Additional Mahila Court (Magistrate Level), Kanyakumar District, even though, the offences involved are not compoundable in nature.

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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.3 of 2021, on the file of the learned Additional Mahila Court (Magistrate Level), Kanyakumar District, is quashed as against the petitioner and all other accused persons and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To
1. The Additional Mahila Court (Magistrate Level),
Kanyakumari District

2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Crime No.66 of 2019.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR, J.

PNM

Order in
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