



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.1048 of 2025

1.M.Senthil

2.Muthukrishnan

3.Rani

... Petitioners

-Vs-

1.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(In Crime No.390 of 2018)

2.Lakshmi

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for entire records in Crime No.390 of
2018 pending on the file of the respondent police, Vadipatti Police
Station, Madurai and quash the same.

For Petitioners : Mr.U.Antony Santhosh

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)

For R2 : Mrs.S.Kanika



ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.390 of 2018 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant and the petitioners are family members. There is some money dispute between them.

3. The learned counsel appearing for the petitioners 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.390 of 2018 for the offences under Sections 294(b), 323 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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 petitioners and the second respondent and also by their respective counsel. The petitioners and the second



respondent were also present in person before this Court and they were identified by Mr.J.Irulappar, SSI of Police, Vadipatti Police Station, Madurai District 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 is a family dispute between the petitioners and the defacto complainant. Now the parties have compromised the matter amicably. 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.390 of 2018, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.390 of 2018, on the file of the first respondent Police, is quashed as against the petitioners and the terms of joint compromise memo shall form part and parcel of this order.

29.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Vadipatti Police Station,
Madurai 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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