



Crl.O.P.(MD)Nos.531 of 2025 and 5900 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.531 of 2025 and 5900 of 2024
and Crl.M.P(MD).No.4447 of 2024

Crl.O.P(MD).No.531 of 2025

1.Surendiran

2.Fathima Beevi

... Petitioners

Vs.

1.State of Tamil nadu,
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
Crime No.518 of 2021

2.S.Velusamy

3.Saranya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to charge sheet in P.R.C.No.197 of 2023 on the file of Judicial Magistrate, Additional Mahila Court, Trichy and quash the same as against the petitioners.

For Petitioners : Mr.T.J.Ebenezer Charles

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

For R2 & R3 : Mr.Vishnuvarthanan



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Crl.O.P(MD).No.5900 of 2024

Raja @ Dhamodharan

... Petitioner

Vs.

1.State rep., by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
Crime No.518 of 2021

2.S.Velusamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet taken on file by the learned Additional Mahila Judge, Trichirappalli in P.R.C.No.197 of 2023 and quash the same as illegal and void.

For Petitioner	: Mr.T.Lajapathiroy Senior Counsel for Mr.C.Karthikeyan
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.Vishnuvarthanan

COMMON ORDER

These Criminal Original Petitions have been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in P.R.C.No.197 of 2023 on the file of Judicial



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Magistrate, Additional Mahila Court, Trichy, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the defacto complainant/Velusamy's daughter and Surendran got married and they were blessed with two children. Thereafter, the said Surendran/A1 had illegal intimacy with one Fathima Beevi/A2. On supporting the same, one Raja @ Dhamodharan and others had given asylum to them. The defacto complainant's daughter warned Surendran, but the said Surendran assaulted the defacto complainant's daughter. While so, on 14.01.2021, the said Surendran with intend to murder the defacto complainant's daughter hanged her on the ceiling fan and the defacto complainant has suspicion that one Raja @ Dhamodharan was also present at the occurrence place. Hence, the complaint.

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.518 of 2021, after investigation, final report filed, the same taken cognizance in P.R.C.No.197 of 2023, on the



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file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli for the offences under Sections 307, 498(A), 203, 109 and 34 of IPC and Section 4 of TN 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, second respondent, victim and their respective counsels. The petitioners and the second respondent present before this Court and compromise has been confirmed by the second respondent and respondent police, 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, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 307, 498(A), 203, 109 and 34 of IPC and Section 4 of TN 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 P.R.C.No.197 of 2023 as against the petitioners pending before the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, even though, the offences involved are not compoundable in nature.



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9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in P.R.C.No.197 of 2023 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
Rmk

23.01.2025
(1/2)

To

- 1.The Judicial Magistrate, Additional Mahila Court,
Tiruchirappalli.
- 2.The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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Dated: 23.01.2025
(1/2)