



CrI.O.P.(MD)No.819 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.819 of 2025

1. Satheshkumar
2. Muthupandi
3. Karthikadevi

... Petitioners

Vs.

1. State of Tamil Nadu Rep by
The Sub Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(In Crime No. 21/2022)

2. Manimegalai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for the records pertaining to the charge sheet in C.C No. 283 of 2023 pending on the file of the learned Judicial Magistrate, Aruppukottai and quash the same.

For Petitioners	: Mr.Vivek.J
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.A.Balaji



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.283 of 2023 on the file of the learned Judicial Magistrate, Aruppukottai.

2. The case of the prosecution is that the defacto complainant and the first petitioner are husband and wife. However, he deserted the defacto complainant with a child and got married to another women by suppressing the marriage between the first petitioner and the defacto complainant. The petitioners 2 and 3 are in-laws of the defacto complainant and are said to have helped the first petitioner for his second marriage.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.21 of 2022 and after investigation, final report was filed and the same was taken cognizance in C.C.No.283 of 2023, on the file of the learned Judicial Magistrate, Aruppukottai for the offences under Sections 494, 406, 420, 468, 471 and 506(i) IPC against the petitioners.



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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 is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court and identified by Mr.M.Selvam, SSI of Police, Virudhunagar Town Police Station, Aruppukottai, as well as by the learned counsel 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 without any compulsion.

6. In the instant case, there is a matrimonial dispute between the first petitioner and the defacto complainant. The defacto complainant had agreed to receive a sum of Rs.3.5 lakhs as compensation and compromise the matter. The first petitioner also agrees to pay the said amount on or before 31.05.2025. The High Court has power to quash the



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complaint even in non compoundable cases, 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 C.C.No.283 of 2023 as against the petitioners pending before the learned Judicial Magistrate, Aruppukottai 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.283 of 2023, on the file of the learned Judicial Magistrate, Aruppukottai is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. It is made clear that if the compensation amount has not been paid before the date as agreed by the first petitioner (ie., 31.05.2025), the case against



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the petitioners will be revived and the order passed in this petition will stand recalled.

NCC : Yes / No
Index : Yes / No
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22.01.2025

To

- 1.The Judicial Magistrate, Aruppukottai
- 2.The Sub Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar 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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