

Crl.O.P.(MD)No.878 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.878 of 2025

1. Kesavan

2. Bagya Lakshmi @ Backiyalaksh

3. Archana

4. Karthikeyan

... Petitioners

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai City.
Crime No. 17/2021.

2. Vasanthi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to in C.C.No. 2242/2023 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai, Madurai District and to quash the same.



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For Petitioners : Mr.S.Sathyachidambaram

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

For R2 : Mr.M.Anbalagan

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.2242 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, Madurai District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 10.07.2016, the marriage between the petitioner and the 2nd respondent was performed. After the marriage, the accused persons demanded additional dowry, for which, the 2nd respondent obtained loan from the Bank and gave to the first accused and the accused persons gave 28 sovereigns of jewels belongs to the defacto complainant to the third accused and refused to return back to the defacto complainant. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the



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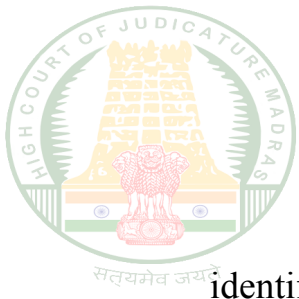
accused persons.

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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.17 of 2021, after investigation, final report filed, the same taken cognizance in C.C.No. 2242 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, Madurai District, for the offences under Sections 498(A), 406 of IPC, 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 the 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 2nd respondent and their respective counsels. The petitioners 1, 2 and 4 and the 2nd respondent present before this Court and the third petitioner appeared through virtual mode,



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identified by Ms.D.Kavitha, All Women Police Station, Madurai City, 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.

6. In the instant case, the occurrence took place between the parties due to 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) and 406 of IPC.

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



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in keeping the proceedings in C.C.No.2242 of 2023 as against the petitioners pending before the learned Judicial Magistrate, Additional Mahila Court, Madurai, Madurai District, 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.2242 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, Madurai District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

21.01.2025

Index : Yes / No

PNM

To

1.The Judicial Magistrate,
Additional Mahila Court, Madurai, Madurai District

2. The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai Ctiy. Crime No. 17/2021.

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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