



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.983 of 2025

Mohammed Fazil

... Petitioner

-Vs-

1.The State Rep by its
Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(In Crime No.173 of 2023)

2.Rahimul Hamthu

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the entire records in relating to the
impugned charge sheet in C.C.No.254 of 2023 on pending trial before
the learned Judicial Magistrate Court, Karaikudi, Sivagangai District and
quash the same.

For Petitioner	: Mr.P.Suresh Kumar
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Mr.A.Karthik

ORDER

This Criminal Original Petition has been filed seeking to quash the
charge sheet in C.C.No.254 of 2023 on the file of the learned Judicial

Magistrate Court, Karaikudi, Sivagangai District.



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2.The case of the prosecution is that the accused is said to have stalked the daughter of the defacto complainant and caused hindrance to her. When the same was questioned by the petitioner, the accused is said to have abused the defacto complainant and her family members.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.173 of 2023 and after investigation, final report was filed and the same was taken cognizance in C.C.No.254 of 2023 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District for the offences under Sections 447, 294(b), 427, 506(ii) IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002 against the petitioner.

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.G.Boomichandran, SSI of Police, Karaikudi North Police Station, Sivagangai District, 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, the petitioner is the sole accused. The petitioner is said to have given a marriage proposal to the defacto complainant's daughter. Now the parties have compromised the matter. The High Court has power to quash the 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.254 of 2023 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District as against the petitioner 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.254 of 2023 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District is quashed as against the petitioner and the 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 Judicial Magistrate,
Karaikudi, Sivagangai District.
- 2.Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai 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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