



Crl.O.P.(MD)No.1670 of 2025

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.1670 of 2025

and

Crl.M.P.(MD)No.1158 of 2025

Balamurugan

... Petitioner

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
All Women Police Station (AWPS),
Manamadurai,
Sivagangai District,
(In Crime No.8 of 2023)

2.Alagusarathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of proceedings of charge sheet filed in C.C.No.57 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District and quash the same on the basis of the compromise arrived between the petitioners and the second respondent.

For Petitioners	: Mr.M.Manojkumar
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Ms.S.Keerthana



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.57 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District.

2.The case of the prosecution is that the petitioner and the second respondent got married in the year 2008. There was some matrimonial dispute between them. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.8 of 2023 and after investigation, final report was filed and the same was taken cognizance in C.C.No.57 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District for the offences under Sections 498(A), 403, 506(1), and 109 IPC 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



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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 Ms.A.Lakshmi, WSSI of Police, AWPS Police Station, Manammadurai, Sivagangai, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, there was some matrimonial dispute between the parties and now the petitioner and the second respondent are living together and they 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)



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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.57 of 2023 as against the petitioner on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai 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.57 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District is quashed in its entirety 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
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29.01.2025



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To

- 1.The District Munsif cum Judicial Magistrate Court,
Thiruppuvanam, Sivagangai District
- 2.The Inspector of Police,
All Women Police Station (AWPS),
Manamadurai,
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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