



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.1708 of 2025

1.K.Sathish Kumar

2.Karthick @ Karthick Raja

3.Suresh Kumar

4.Muthu Lakshmi

5.Lakshmi

... Petitioners

-Vs-

1.State Rep by The
Inspector of Police,
Karimedu Police Station,
Madurai City
(In Crime No.955 of 2023)

2.M.Poomani

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to quash the proceedings in C.C.No.1558 of
2024 pending on the file of the learned Judicial Magistrate No.V,
Madurai, as far as this petitioners/accused Nos.1 to 5 are concerned.

For Petitioners	: Mr.H.Mohammed Farook
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.A.Ajith Prakash



ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.1558 of 2024 on the file of the learned Judicial Magistrate No.V, Madurai.

2.The case of the prosecution is that there is matrimonial dispute between the second respondent and the first petitioner.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.955 of 2023 and after investigation, final report was filed and the same was taken cognizance in C.C.No.1558 of 2024 on the file of the learned Judicial Magistrate No.V, Madurai for the offences under Sections 147, 294(b), 323, 324, 506(i) IPC and Section 4 of the Tamil Nadu 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 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court and identified by Mr.K.Salim Set, SSI of Police, Karimedu Police Station, Madurai 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, there is a matrimonial dispute between the first petitioner and the second respondent. 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.



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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.1558 of 2024 on the file of the learned Judicial Magistrate No.V, Madurai as against the petitioners 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.1558 of 2024 on the file of the learned Judicial Magistrate No.V, Madurai is quashed as against the petitioners 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 No.V, Madurai

2.The Inspector of Police,
Karimedu Police Station,
Madurai City

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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