



Crl.O.P.(MD)No.1846 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1846 of 2025

1.Peer Mohamed
2.Haseena Fathima
3.Siddique
4.Syed Mohamed Abdul Kader Sharieff
5.Parakkath Beevi ... Petitioners

Vs.

1.The State of Tamil Nadu,
by the Inspector of Police,
All Women Police Station,
Tenkasi.
Crime No.2 of 2018
2.Syad Ali Fathima ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to CC.No.492 of 2018 on the file of the
learned Judicial Magistrate, Tenkasi and quash the same.

For Petitioners : Mr.N.Adithya Vijayalayan



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For R1 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

For R2 : Mr.T.Leninkumar

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 CC.No.492 of 2018 on the file of the learned Judicial Magistrate, Tenkasi, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the second respondent/defacto complainant and the first petitioner are husband and wife. The first petitioner had illegal intimacy with one Jasmine and when the same was questioned by the defacto complainant, the petitioners abused, attacked and also threatened her. The petitioners also thrown away the defacto complainant from the matrimonial house. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.2 of 2018, after investigation, final report filed, the same taken cognizance in C.C.No.492 of 2018 by the learned Judicial Magistrate, Tenkasi, for the offences under Sections 294(b), 498(A), 147 and 506(i) of IPC and Section 4 of TNPHW Act, 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 filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Ms.S.Suganyamanimala, Tenkasi All Women Police Station, 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



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amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 498(A), 147 and 506(i) of IPC and Section 4 of TNPHW Act.

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.492 of 2018 as against the petitioners pending before the learned Judicial Magistrate, Tenkasi, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.492 of 2018 on the file of the learned Judicial Magistrate, Tenkasi, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

30.01.2025
(1/3)

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Judicial Magistrate, Tenkasi.
- 2.The Inspector of Police,
All Women Police Station,
Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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