



CRL.OP(MD) NO.3169 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.3169 of 2025
and Crl.M.P(MD) No.2135 of 2025

Sahaya Wilson

... Petitioner

Vs

1. The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Colachel Police Station,
Kanniyakumari District.
(Crime No. 480/2021).

2. Arockiya Soniya

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the entire records pertaining to C.C. No. 328 of 2022 pending on the file of Judicial Magistrate, Eraniel and may Quash the same

For petitioners : Mr.A.Balakrishnan

For Respondent 1 : Mr.M.Sakthikumar
Government Advocate (Crl side)

For R2 : Ms.Pugalendri



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ORDER

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This petition has been filed by the petitioner to call for the records pertaining to C.C.No.328 of 2022 on the file of the Judicial Magistrate, Eraniel for the offences under Sections 294(b), 323, 506(1) IPC and Section 4 of TNPHW Act, 2002, in Crime No.480 of 2021 and quash the same.

2. According to the petitioner, the petitioner and defacto complainant are husband and wife. Based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 480 of 2021 for the offences under Sections 294(b), 323, 506(1) IPC and Section 4 of TNPHW Act, 2002.

3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in C.C.No.328 of 2022, the matter has been amicably settled between the parties and to that effect, they have entered into a compromise and the same was filed before this Court.

4. Today, the defacto-complainant and all the accused are



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present and the Court enquired about the terms of compromise. The defacto-complainant represented that they entered into a compromise as they are neighbours. A compromise memo, dated 20.01.2025 signed by the parties and their respective counsels, is also filed before this Court.

5.This Court has perused the terms of the compromise memo. Considering the nature of the offences, the relationship between the parties and they have also entered into a compromise, it is appropriate to allow this petition.

6.However, the learned Government Advocate (Crl.Side) would submit that apart from the 2nd respondent, her mother, who is the mother-in-law of the petitioner also sustained simple injuries in the incident as per records. The said mother-in-law is not a party to this petition.

7.On perusal of records, it is seen that the mother of the 2nd respondent did not sustain injury, since she was assaulted by hands. Hence, this Court is inclined to allow this petition.



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8. Recording the said compromise memo, this petition is

allowed and C.C.No.328 of 2022 on the file of the Judicial Magistrate, Eraniel is quashed. The compromise memo dated 20.01.2025 filed by the parties shall form part of this order. Consequently, connected miscellaneous petition is closed.

03.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM

To

1. The Judicial Magistrate, Eraniel

2.The Inspector of Police,
Colachel Police Station,
Kanniyakumari District.
(Crime No. 480/2021).

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



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P.DHANABAL,J

PNM

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