



CRL.OP(MD) NO.4158 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.4158 of 2025

and

CRL. MP(MD)No.2936 of 2025

1. Poongudi

2. Sundaravadivelu

... Petitioners

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Tanjore,
Tanjore District.
In Crime No.10/2023.

2. Anjudass @ Roofina

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records in connection with case in CC No.140 of 2024 on the file of Additional



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Mahila Court (Magisterial Level) Thanjavur and quash the same as
against the petitioners herein/Accused No.2 and 3.

For petitioners : Mr.R.Vignesh

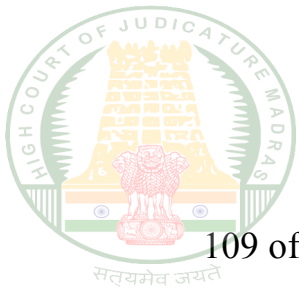
For R1 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl side)

For R2 : Mr.M.Dinesh

ORDER

This petition has been filed by the petitioners to call for the records pertaining to C.C.No.140 of 2024 on the file of the Additional Mahila Court (Magisterial Level), Thanjavur for the offences under Sections 109, 376, 417, 420, 493, 498(A) and 506(i) of IPC, in Crime No.10 of 2023 and quash the same.

2. According to the petitioners, based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 10 of 2023 for the offences under Sections 376, 417, 420, 493, 498(A), 506(i) and



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109 of IPC

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3. When the matter was taken up for hearing, the learned counsels on both sides represented that during pendency of the case in C.C.No.140 of 2024, 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 present and the Court enquired about the terms of compromise. The defacto-complainant represented that they entered into a compromise. A compromise memo, dated 24.03.2025 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.

6. In this case, the FIR has been registered in Crime No.10 of 2023 for the offences under Sections 376, 417, 420, 493, 498(A), 506(i) and 109 of IPC. Thereafter, charge sheet has been filed for the offence under Sections 109, 376, 417, 420, 493, 498(A) and 506(i) of IPC. Since the



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offence under Section 376 of IPC is triable by Sessions Court, the learned

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Judicial Magistrate ought to have committed the case to the Sessions

Court but unfortunately, taken the final report on file as C.C.No.140 of

2024 and at this stage, the quash petition has been filed with compromise

memo. Though the charge sheet was filed for the offence under Section

376 of IPC, there was a marriage solemnized between the defacto

complainant and the first accused and he also filed divorce petition. In the

meantime, the defacto complainant and the accused entered into

compromise and the defacto complainant also agreed for mutual divorce

and received permanent alimony of Rs.13,00,000/- (Rupees Thirteen

Lakhs). Therefore, the offence under Section 376 of IPC would not attract

due to marriage between the first accused and the second respondent.

Therefore, once again the parties need not go to trial Court after committal

and to meet the ends of justice. Without directing the learned Judicial

Magistrate to commit the case to sessions case, this Court is inclined to

quash the proceedings.

7. Considering the nature of the offences and the parties have also entered into a compromise, it is appropriate to allow this petition.



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8. Recording the said compromise memo, this petition is allowed and C.C.No.140 of 2024 (FIR in Crime No.10 of 2023, on the file of the first respondent) on the file of the Additional Mahila Court (Magisterial Level) Thanjavur is quashed. Consequently, connected miscellaneous petition is closed.

02.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
LR

To

1.The Additional Mahila Court (Magisterial Level),
Thanjavur.

2. The State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Tanjore,
Tanjore District.

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



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P.DHANABAL,J

LR

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