



CRL.OP(MD) NO.7764 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.7764 of 2025

and

CRL.M.P(MD) No.5807 and 5809 of 2025

Sivaranjith @ Siva Renjith

... Petitioner

.VS.

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
(Crime No.280 of 2020)

2. Babyselvan

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to the case in Crl.M.P.No.1735 of 2022 on the file of the learned Additional Mahila Court, Nagercoil, Kanyakumari District and quash the same.



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For Petitioner : Mr.B.Micheal Sebastin
For R1 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl. Side)
For R2 : Mr.S.Pragadeeswaran

ORDER

This petition has been filed by the petitioner / Accused No.1 to call for the records pertaining to Crl.M.P.No.1735 of 2022 on the file of the Additional Mahila Court, Nagercoil for the offences under Section 306 of Indian Penal Code, 1860, in Crime No.280 of 2020 and quash the same.

2. When the matter was taken up for hearing, the learned counsels on both sides represented that 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.

3. The defacto-complainant and the 1st accused are present and this Court enquired about the terms of compromise. The defacto-complainant represented that they entered into a compromise and he has no objection to quash the pending proceedings in Crl.M.P.No.1735 of 2022. A compromise memo, dated 24.04.2025 signed by the parties and their



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respective counsel, is also filed before this Court.

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4. This Court has perused the terms of the compromise memo dated 24.04.2025.

5. In fact FIR has been registered under Section 174(3) of Cr.P.C and thereafter, 5 persons were arrayed as accused in this case. After investigation, the petitioner alone was included in the charge sheet and other accused names were deleted in the charge sheet. Hence, a notice was issued to the defacto complainant and CrI.M.P.No.1735 of 2022 is pending. In the mean time, the defacto complainant entered into compromise with the accused. Considering the nature of offences and even as per the F.I.R and charge sheet, there are no ingredients to constitute the offences and the only allegations is that the accused had illicit relationship with another lady and thereby, the deceased was under stress. Therefore, due to quarrel between the them, the deceased died and thereby the 2nd respondent, who is the father of the deceased lodged the complaint. Now they entered into compromise. As per the compromise, the defacto complainant stated that there is no any quarrel between the petitioner and the deceased soon before the death of the deceased.



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Therefore, even on merits, there are no ingredients to constitute the offences under Section 306 of IPC. At this juncture, it is appropriate to refer the judgment of the Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and Another* reported in 2012 (10) SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. The State of Gujarat* reported in 2017 (9) SCC 641 and in view of the said judgments, no useful purpose will be served in proceeding the case pending before the trial Court. If the parties are directed to face the trial, it is only futile exercise. Therefore, it is appropriate to allow this petition.

6. Recording the said compromise memo dated 24.04.2025, this criminal original petition is allowed and CrI.M.P.No.1735 of 2022 on the file of the Additional Mahila Court, Nagercoil and the charge sheet filed in Crime No.280 of 2020 on the file of the 1st respondent are quashed. Consequently, connected criminal miscellaneous petitions are closed.

28.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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P.DHANABAL, J.

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To

1. The Additional Mahila Court,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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