



WEB COPY

Crl.O.P.(MD)No.9230 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.9230 of 2024

and

Crl.M.P.(MD)No.6307 of 2024

1.Mariyappan
2.Veerachamy
3.Kothaiyammal

... Petitioners

-Vs-

1.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.24 of 2023)

2.Kanagavalli

... Respondents

Prayer: Criminal Original Petition - filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the impugned FIR in Crime No.24 of 2023 dated 17.10.2023 on the file of the first respondent and quash the same.

For Petitioner	: Mr.M.Solaisamy
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.N.Surendran



ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.24 of 2023 on the file of the first respondent Police.

2. The case of the prosecution is that the first petitioner and the second respondent got married in the year 2017. Thereafter, there was some misunderstanding between them and the first petitioner went abroad. The second and third petitioners attacked the defacto complainant demanding dowry and drew the second respondent to her parental home.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.24 of 2023, dated 17.10.2023 for the offences under Section 498(A) IPC.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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5. A Joint Memo of Compromise, dated 27.06.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.P.Vallavarani, AWPS Police Station, Virudhunagar District as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the first petitioner and the second respondent got separated and a decree of divorce was also granted to them and they compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, 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.

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 Crime No.24 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.24 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 27.06.2024, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.All Women Police Station,
Virudhunagar,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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