

Crl.O.P.(MD)No.14762 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.14762 of 2024
and Crl.M.P(MD) No.9222 of 2024

1. Paulsami

2. Kanagaraj Kumar

... Petitioners

Vs

1. The Inspector of Police
Austinpatti Police Station,
Madurai District. (Crime No.181/2023).

2. Sundhari

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.674 of 2023 on the file of the Judicial Magistrate, Thirumangalam and quash the same.

For Petitioners : M/s. A.Jayaramachandran

For Respondent : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. S.Ramu (R2)



Crl.O.P.(MD)No.14762 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in C.C.No.674 of 2023 on the file of the Judicial Magistrate, Thirumangalam.

2. The case of the prosecution is that due to matrimonial dispute, on 11.08.2023, the first petitioner/husband of R2 abused his wife/R2, assaulted her with a key and also caused damages to her cell phone. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.181 of 2023. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.674 of 2023 on the file of the Judicial Magistrate, Thirumangalam, for the offences under Sections 294(b), 323, 324, 427, 506(ii) IPC and Section 4 of TNPWH Act, against the petitioners.



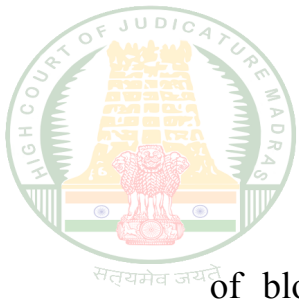
Crl.O.P.(MD)No.14762 of 2024

WEB COPY

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 27.09.2024 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court, identified by Mr.P.Sivakumar, SSI, Austinpatti Police Station, Madurai District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, there is a matrimonial dispute between the parties, out of wordy quarrel and the sudden quarrel led to exchange



Crl.O.P.(MD)No.14762 of 2024

WEB COPY

of blows and the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 323, 324, 427, 506(ii) IPC and Section 4 of TNPWH 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* was 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.674 of 2023 as against the petitioners pending before the Judicial Magistrate, Thirumangalam, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.674 of 2023, on the file of the Judicial Magistrate, Thirumangalam, is quashed as against the petitioners and the



Crl.O.P.(MD)No.14762 of 2024

joint compromise memo shall form part and parcel of this order.

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Consequently, connected miscellaneous petition is closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Judicial Magistrate, Thirumangalam.

2.The Inspector of Police, Courtallam
Police Station Tenkasi District.
(Crime No.205/2023).

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



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Crl.O.P.(MD)No.14762 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
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