



Crl.O.P.(MD)No.18482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18482 of 2024

and

Crl.O.P.(MD).No.11481 & 11482 of 2024

1. Muthuvetrivendan
2. Velmurugan
3. Susila
4. Kanimozhi

... Petitioners

Vs.

- 1.State of Tamil Nadu through
The Inspector of Police,
All Women Police Station,
Madurai City.
(CrimeNo.03/2022)

- 2.A.Divyabharathi,

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for the records pertaining to the impugned Charge Sheet in C.C.No.2412 of 2022 on the file of Judicial Magistrate-II, Madurai and quash the same as against this petitioner alone.

For Petitioner	: Mr.Shunmathypriya.A
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R3	: Mr.M.P.Senthil



Crl.O.P.(MD)No.18482 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.2412 of 2022 on the file of Judicial Magistrate-II, Madurai.

2. The case of the prosecution is that the defacto complainant and the first petitioner are husband and wife. There was some matrimonial discard between the first petitioner and the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.03 of 2022 and after investigation, final report was filed and the same was taken cognizance in C.C.No.2412 of 2022 on the file of Judicial Magistrate-II, Madurai for the offences under Sections 498A, 323, 406 and 506(1) of IPC against the petitioner.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and



Crl.O.P.(MD)No.18482 of 2024

second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court and identified by Ms.B.Kalyani, AWPS Police Police Station, Madurai, as well as by the learned counsel appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, the first and the defacto complainant got separated on mutual consent. Now the parties have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, 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.



Crl.O.P.(MD)No.18482 of 2024

WEB COPY

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.2412 of 2022 as against the petitioner on the file of Judicial Magistrate-II, Madurai 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.2412 of 2022 on the file of Judicial Magistrate-II, Madurai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
ta

10.01.2025

To

1.The Judicial Magistrate-II, Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai City.

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



WEB COPY



Crl.O.P.(MD)No.18482 of 2024

M.NIRMAL KUMAR, J.

ta

Crl.O.P.(MD)No.18482 of 2024
and
Crl.O.P.(MD).No.11481 & 11482 of 2024

10.01.2025