



Crl.O.P.(MD)No.17454 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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- 1.Thirukumaran
- 2.Sathuvan
- 3.Pooranam
- 4.Thangapandi
- 5.Nagarajan
- 6.SAnthi
- 7.Abirami
- 8.Naganathan
- 9.Bagampiriyal

... Petitioners

Vs.

1. State rep., by
The Inspector of Police
Thirupalaikudi Police Station,
Ramanathapuram District.
Crime No.212 of 2023

2. Archanadevi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to FIR in Crime No.212 of 2023 under Sections 147, 417, 498A, 120B, 506(1) of IPC and Section 4 of Dowry Prohibition Act, 1961 on the file of the first respondent police and quash the same as illegal as against the petitioners/accused.



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For Petitioners	: Mr.D.Balamurugapandi
For R1	: Mr.K.Sanjai Gandhi Government Advocate(Crl.Side)
For R2	: Mr.T.Venkatesan

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.212 of 2023 on the file of the first respondent Police.

2. The case of the prosecution is that the first petitioner had sexual relationship with the second respondent/defacto complainant promising to marry her and thereafter, he refused to marry. On the intervention of police, the first petitioner married the second respondent and thereafter, he demanded more dowry. The same was questioned by the second respondent's parents, but the petitioners scolded and threatened them. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners 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.212 of 2023,



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dated 05.12.2023 for the offences under Sections 147, 417, 498(A), 120B and 506(i) of IPC and Section 4 of Dowry Prohibition Act, against the petitioners.

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.

5. A Joint Memo of Compromise, dated 18.10.2024, 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 Mr.K.Muruganantham, SSI of Police, Thiruppalaikudi Police Station, Ramnad District, as well as by the learned counsels 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, where the parties have compromised the matter, the High Court has power to quash the complaint for the offences



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under Sections 147, 417, 498(A), 120B and 506(i) of IPC and Section 4 of Dowry Prohibition 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* 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.212 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.212 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 18.10.2024, shall form part and parcel of this order.

09.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



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To
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1. The Inspector of Police
Thirupalaikudi Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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