



Crl.O.P.(MD)No.19792 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19792 of 2024
and Crl.M.P(MD).No.12196 of 2024

Sivaji

... Petitioner

Vs.

1.The State of Tamil nadu,
rep., by the Inspector of Police,
Thandiudi Police Station,
Dindigul District.

2.Shobana

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records relating with impugned charge sheet in S.C.No.98
of 2022 on the file of the learned Sessions Judge, Mahila Court,
Dindigul, Dindigul District and quash the same as against the petitioner

For Petitioner : Mr.S.Saravana Kumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

For R2 : Mr.G.Hariharan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.98 of 2022 on the file of the learned Sessions Judge, Mahila Court, Dindigul, Dindigul District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the defacto complainant and the petitioner fell in love with each other and on promise to marry the defacto complainant, the petitioner had sexual relationship with her and thereafter, the petitioner failed to marry her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.167 of 2012, after investigation, final report filed, the same taken cognizance in S.C.No.98 of 2022 by the learned Sessions Judge, Mahila Court, Dindigul, Dindigul District, for the offences under Sections 417, 420, 376 @ 376 of IPC, against the petitioner.



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

5. A Joint Memo of Compromise filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.S.Vellaichamy, SSI of Police, Thandikudi Police Station, Dindigul District, as well as by the learned counsels 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 voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 417, 420, 376 @ 376 of IPC.

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)



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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 S.C.No.98 of 2022 against the petitioner pending before the learned Sessions Judge, Mahila Court, Dindigul, Dindigul District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.98 of 2022 on the file of the learned Sessions Judge, Mahila Court, Dindigul, Dindigul District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

30.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



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To

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- 1.The Sessions Judge, Mahila Court, Dindigul, Dindigul District.
- 2.The Inspector of Police,
Thandiudi Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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