



Crl.O.P.(MD)No.22442 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22442 of 2024

1.Raja Shankar
2.Selvarajah
3.Packiyalakshmi @ Bagyalakshmi
4.Priyadarshini

... Petitioners

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
AWPS-Thallakulam Police Station,
Madurai City.
Crime No.42 of 2022

2.S.Pathrakali

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.260 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same against the petitioners.

For Petitioners
For R1

: Mr.R.Ponkarthikeyan
: Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



WEB COPY



Crl.O.P.(MD)No.22442 of 2024

For R2

: Mr.A.K.Amarvel Pandian

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.260 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the first accused is the husband of the defacto complainant, second to fourth accused are in-law of the defacto complainant. After the marriage of first accused and the defacto complainant, the accused persons/petitioners demanded more dowry and also caused theat. 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 F.I.R. registered in Crime No.42 of 2022, after investigation, final report filed, the same taken cognizance in C.C.No.260 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, for



Crl.O.P.(MD)No.22442 of 2024

WEB COPY

the offences under Sections 498(A), 406 and 294(b) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, against the petitioners.

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

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners 1 to 3 and the second respondent present before this Court and the fourth petitioner through online, since she is in Asam, identified by Ms.Kalyani, SSI of Police, All Women Police Station, Thallakulam, 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.



Crl.O.P.(MD)No.22442 of 2024

WEB COPY

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 498(A), 406 and 294(b) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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 C.C.No.260 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, 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.260 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, is quashed as against the



Crl.O.P.(MD)No.22442 of 2024

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

WEB COPY

NCC : Yes / No

06.01.2025

Index : Yes / No

Rmk

To

- 1.The Judicial Magistrate, Additional Mahila Court, Madurai.
- 2.The Inspector of Police,
AWPS-Thallakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.22442 of 2024

M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.22442 of 2024

Dated: 06.01.2025