

Crl.O.P.(MD)No.62 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.62 of 2025
and Crl.M.P(MD).Nos.69 and 70 of 2025

1.R.Kulanthaihamy
2.Ragupathi
3.Sivakumar
4.Ramaraj

... Petitioners

Vs.

1.The State of Tamil Nadu,
rep., by The Inspector of Police,
Reghunathapuram Police Station,
Pudukkottai District.
Crime No.48 of 2021

2.Ganesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in S.C.No.45 of 2024 on the file of the Additional District and Sessions Mahila Court, Pudukkottai District and quash the same against the petitioners.

For Petitioners	: Mr.R.Jegadeeswaran
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.M.Anbarasan



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records in S.C.No.45 of 2024 on the file of the Additional District and Sessions Mahila Court, Pudukkottai 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 lodged a complaint against unknown persons stating that his daughter was missing, when she went to water tap to get water.

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.48 of 2021, after investigation, final report filed, the same taken cognizance in S.C.No.45 of 2024 on the file of the Additional District and Sessions Mahila Court, Pudukkottai District, for the offences under Sections 363, 366, 147, 149 and 342 of IPC 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



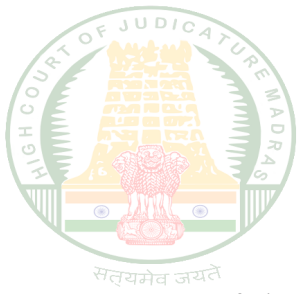
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among themselves. Now, the second respondent agreed to withdraw the complaint, not willing to pursue the case as they decided to conduct marriage between the defacto complainant's daughter with the first petitioner.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.K.Pandiaraja, SI of Police, Regunathapuram Police Station, Pudukkottai 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 363, 366, 147, 149 and 342 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) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in (2017) 9 SCC 641 were taken into consideration.



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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.45 of 2024 on the file of the Additional District and Sessions Mahila Court, Pudukkottai District, even though, the offences involved are not compoundable in nature.

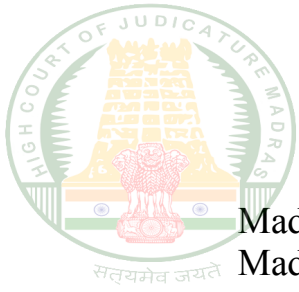
9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.45 of 2024 on the file of the Additional District and Sessions Mahila Court, Pudukkottai District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
Rmk

09.01.2025

To

- 1.The Additional District and Sessions Mahila Court,
Pudukkottai District.
- 2.The Inspector of Police,
Reghunathapuram Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,



Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.62 of 2025

Dated: 09.01.2025