



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.224 of 2025

1.Thiyagarajan
2.Saraswathi
3.Uma
4.S.Nirmala

... Petitioners

-Vs-

1.The State Rep by its,
Inspector of Police,
Bathalagundu Police Station,
Dindigul District.
(In Crime No.446 of 2024)

2.Ilakiya

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records in Crime No.446 of
2024 pending on the file of the Inspector of Police, Bathalagundu Police
Station, Dindigul and quash the same.

For Petitioners	: Mr.A.Sivasubramanian
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Ms.Sepana @ Sree

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No. 446 of 2024 on the file of the first
respondent Police.



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2. The case of the prosecution is that there is a matrimonial dispute between the first petitioner and the second respondent. In this regard, the petitioners are said to have attacked the defacto complainant.

3. 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.446 of 2024 for the offences under Sections 296(b), 115(2), 118(1), 351(2) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

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 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.N.Manimaran, SSI of Police, Bathalagundu Police Station, Dindigul District as well as by the learned counsel appearing for



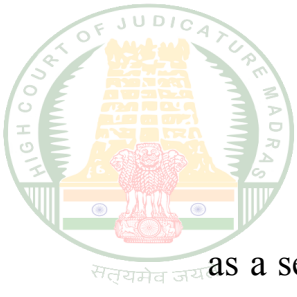
the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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6. In the instant case, there is a matrimonial dispute between the first petitioner and the second respondent. Now they joined together and are living happily by compromising the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, 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.

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. 446 of 2024, 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. 446 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

08.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Bathalagundu Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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