

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.15704 of 2015 and

M.P.Nos.1, 2 & 4 of 2015

1.K.Jagadheeswaran
2.K.C.Kulandaisamy
3.K.Balamani
4.Baby
5.Chinnakutty

..Petitioners

Vs

1.State by
The Inspector of Police,
All Women Police Station,
Kangayam,
Tiruppur District
(Crime No.4/2014)

2.T.Suganya
(R2 impleaded as per order of Court
dated 13.08.2015)

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records concerned in C.C.No.231 of 2014 on the file of the learned Judicial Magistrate, Kangayam, Tiruppur District and quash the same in so far relates to the petitioners are concerned.

For Petitioners : Mr.C.Prakasam
For R.1 : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the entire records concerned in C.C.No.231 of 2014 on the file of the learned Judicial Magistrate, Kangayam, Tiruppur District and quash the same in so far as it relate to the petitioners concerned.

2.On a complaint lodged by the second respondent herein, the respondent police registered a case in Crime No.4/2014 and after completing the investigation, filed a final report in C.C.No.231 of 2014 before the learned Judicial Magistrate, Kangayam for offence under Sections 323, 506(i), 294(b), 406 & 384 I.P.C., & Section 4 of

Tamil Nadu Prohibition of Women Harassment Act against the petitioners.

3. During the proceedings, it appears that the parties have arrived at a compromise and they have also entered into a memorandum of compromise dated 10.07.2015, a copy of which has been enclosed with the typed set of papers.

4. Today, Ms.T.Kalayarasi, Inspector of Police, All Women Police Station, Kangayam, Tiruppur District is present and Ms.Suganya/ second respondent/ defacto complainant is also present and she has been identified by the respondent police. Ms.Suganya, the second respondent has filed M.P.No.4 of 2015 in CrI.O.P.No.15704 of 2015 seeking to permit the parties to compound the criminal case in C.C.No.231 of 2014, pending on the file of the learned Judicial Magistrate, Kangayam in terms of the joint memorandum of settlement dated 10.07.2015, wherein, in paragraph No.4, it has been stated as follows:-

"4.I submit that pending C.C.No.231 of 2014, we have entered into a settlement at the instance of our relatives and well-wishers. Pursuant to the negotiation held between the parties, the joint memorandum of compromise dated 10.07.2015 has been entered into in the presence of the witnesses. The said terms of settlement dated 10.07.2015 may be treated as part and parcel of this petition to compound the offence charged in C.C.No.231 of 2014, which reads as follows:-

i) The parties have, now, agreed to amicably resolve their dispute and differences and it is hereby declared and undertaken by the parties namely the defacto complainant and A.1 to get divorce by mutual consent in H.M.O.P.No.89 of 2014 pending on the file of the learned Sub Court, Dharapuram.

ii) The 1st respondent herein (A1) hereby agrees, confirms and undertakes to hand over a demand draft for Rs.11 lakhs towards life time maintenance, on the date of appearance before the learned Sub Court, Dharampuram for getting divorce by mutual consent.

iii) The petitioner/ defacto complainant herein agrees and undertakes to withdraw M.C.No.7 of 2014 filed by her against A.1 before the learned Judicial Magistrate, Kangayam under the Domestic Violence Act.

iv) The first respondent/A1 herein agrees and confirms that all the jewelleries, articles and belongings of the defacto complainant on the date of hearing in the above CrI.O.P.No.15704/2015.

v) The petitioner/ defacto complainant herein says no objection for quashing the criminal case pending against the respondent 1 to 5/A1 to A5 in C.C.No.231 of 2014 on the file of the learned Judicial Magistrate, Kangayam.

vi) It is agreed, confirmed and declared by and between the parties that the compromise agreement dated 10.07.2015 shall be treated as part and parcel of the above joint compromise memo filed today before this Hon'ble Court.

vii) Both the parties agree that neither party shall challenge or raise any dispute, claim or objection of any nature or any other terms as contemplated and set out under the consent terms, either now or in the future.

It is therefore, prayed that this Hon'ble Court may be pleased to permit us to compound the criminal case in C.C.No.231 of 2014 pending on the file of the learned Judicial Magistrate, Kangayam in terms of the joint memorandum of settlement dated 10.07.2015 and pass such other suitable orders as this Hon'ble Court deems fit in the circumstance and thus render justice."

5.In view of the above, the Criminal Original Petition is allowed and the entire prosecution in C.C.No.231 of 2014 pending on the file of the learned Judicial Magistrate, Kangayam is hereby quashed. Consequently, M.P.No.4 of 2015 is also allowed. M.P.Nos.1 & 2 of 2015 shall stand closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

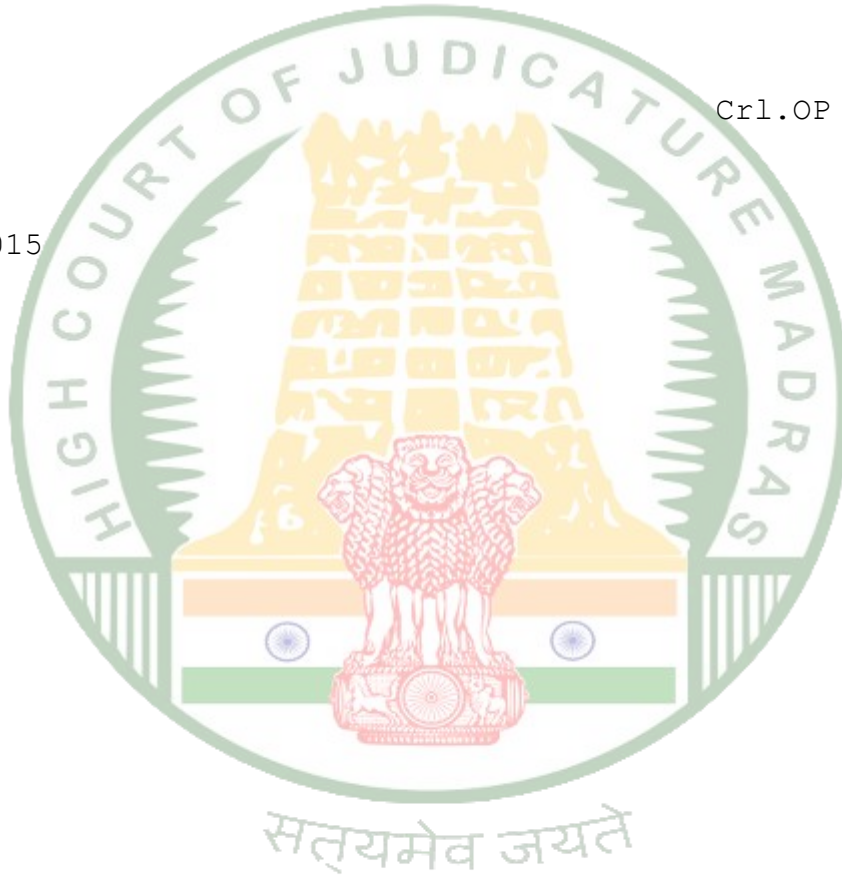
To

The Inspector of Police,
All Women Police Station,
Kangayam,
Tiruppur District.

+1 cc to Mr.N.Manoharan Advocate sr.44257/15
+1 cc to Mr.C.Prakasam Advocate sr.15704/15

Cr1.OP No.15704 of 2015

aa07/09/2015



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