



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the First day of April Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.18548 of 2014

WEB COPY

1 HENDRY CLERK
2 JEYA MARY
3 CHRISTHURAJA

... PETITIONERS / ACCUSED NO. 1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAPARAI,
TRICHY DT. CR.NO.11 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.AN.RAMANATHAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 294(b), 323 and 506(i) IPC in Crime No.11 of 2014, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. Earlier the matter was referred to the Mediation and Conciliation centre attached to this Bench and a settlement agreement has been arrived between the parties which is as follows:

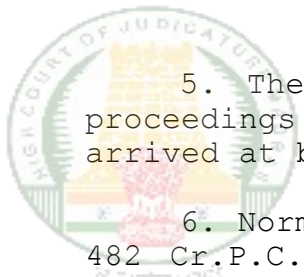
"A) The husband (Petitioner NO.1) Henry Clerk, ready to live with her wife and child and hereinafter they both agree to have a matrimonial life at Tiruppur. As per the settlement they presently are living happily at Tirupur.

B) The defacto complainant Josephin Mary accepts to withdraw the complaint in Cr.No.11 of 2014 which is on the file of All Women Police Station, Manaparai, Trichy Dt."

4. Today, Henry Clerk (A.1)/first petitioner and Josephin Mary/defacto complainant are present before this Court. They have filed a compromise affidavit, in which they have stated as follows:

"1. I, Josephine Marry is complainant in the above said crime number. I have preferred the complaint against my husband, mother-in-law and brother-in-law for offences u/s 498(A), 294 (b), 323, 506(i) I.P.C. Subsequently, this Hon'ble Court referred the dispute to mediation. On mediation, the dispute between me and my husband was resolved. Now, I and my husband/1st petitioner reunited together and living peacefully.

2. In the above circumstances, I am not interested in further in the above crime number. The proceedings against the petitioners may be quashed in the interest of justice."



5. The learned Counsel for the petitioners prays that the entire proceedings may be quashed, in view of the settlement that has been arrived at between the parties.

6. Normally, this Court will not exercise the jurisdiction of Section 482 Cr.P.C., since the subject allotted to this Court is to deal only with the applications filed under Sections 438 and 439 Cr.P.C. However, in a case of this nature, it will not only be travesty of justice, but would also lead to unnecessary multiplication of litigations, if the parties are once again directed to file another petition under Section 482 Cr.P.C.

7. Therefore, relying upon the judgment of the Hon'ble Supreme Court of India, in the case of *Jitendra Raghuvanshi and others vs. Babita Raghuvanshi and another*, reported in (2013) 4 SCC 58 exercising the powers under Section 482 of Cr.P.C., the case in Crime No.11 of 2014 on the file of the respondent police is hereby quashed. In view of quashing of the case in Crime No.11 of 2014, the Criminal Original Petition is closed.

sd/-
01/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAPARAI, TRICHY DISTRICT.

+1. CC to M/S.AN.RAMANATHAN Advocate SR.No.17336

ORDER
IN
CRL OP(MD) No.18548 of 2014
Date :01/04/2015

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