



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

Friday, the Twentieth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.22851 of 2014

1 VADIVEL

2 T.R.KRISHNAMOORTHY

3 K.MALLIKA

... PETITIONERS / ACCUSED 1 TO 3

K.ANITHA

... INTERVENER

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

THIRUVERUMBUR ALL WOMEN POLICE STATION,

TRICHY, TRICHY DT. CR. NO.23/2014.

Under sections 294(b), 406, 498(A), 506(i) I.P.C

r/w Section 4 of T.N.P.H.W Act 2002

r/w 4 of D.P.Act

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.HARIHARAN Advocate

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

For Intervener : MR.G.S.ASOK ADHITHYAN, Advocate

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 offence punishable under Sections 294(b), 406, 498(A), 506(i) IPC, r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.23 of 2014 on the file of the respondent police, seek anticipatory bail.

2. This Court, vide order, dated 10.03.2015, passed the following order:-

Heard the learned Counsel for the petitioners, the learned Government Advocate (Crl.Side) and the learned Counsel for the intervenor.

2. This Court granted interim anticipatory bail to the petitioners on condition that they should appear before the respondent police and return all the household articles. The respondent police have filed a status report, in which they have stated that the petitioners appeared before the respondent police and returned the household articles. It is stated that only one Godrej Bureau has to be returned, for which, the learned Counsel for the petitioners would submit that it will



3. During the course of hearing of this case, the learned Counsel appearing for the petitioners came forward to pay a sum of Rs.4,30,000/- as full and final settlement to the *de facto* complainant for withdrawing the case.

4. Today, the learned Counsel appearing for the petitioners submitted that he has bought a Demand Draft for a sum of RS.2,10,000/- and sought ten days' time for giving balance amount of RS.2,20,000/-.

5. Recording the submission made by the learned Counsel for the petitioners, the matter stands adjourned to 20.03.2015 for the payment of the entire amount of Rs.4,30,000/-. The original Demand Draft is with the learned Counsel appearing for the petitioners and the same has not been handed over to the *de facto* complainant.

6. The interim anticipatory bail already granted to the petitioners is extended till 20.03.2015.
Call on 20.03.2015."

3. Today, the first petitioner herein - K.Vadivel and the *de facto* complainant - K.Anitha are present before this Court, with their respective learned counsel. Both the parties have filed a compromise memo, dated 20.03.2015, in terms of which, a sum of Rs.4,30,000/- has been paid by the petitioners to the *de facto* complainant, by way of two Demand Drafts, in open Court and copies of the said Demand Drafts have also been filed, along with the compromise memo, dated 20.03.2015. In Paragraph No.2 of the said compromise memo, it is stated as follows:-

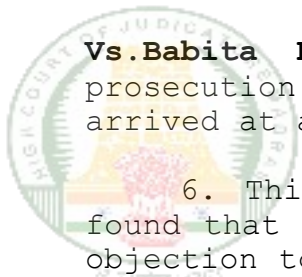
"2. The *de facto* complainant K.Anitha, on receipt of the above two Demand Drafts for Rs.4,30,000/- [Rupees Four Lakhs and Thirty Thousand only] as full and final settlement for withdrawing the case, hereby withdraws the case filed against the petitioners, Vadivel, T.R.Krishnamoorthy and Mallika, pending in Crime No.23 of 2014, on the file of the Inspector of Police, Thiruverumbur All Women Police Station, Trichy.

3. The second petitioner - T.R.Krishnamoorthi, undertakes to withdraw CrI.OP[MD].No.19190 of 2014 pending on the file of this Court.

4. The *de facto* complainant will give no objection for divorce."

4. The petitioners herein and the *de facto* complainant were identified by Mrs.A.Kaveriammal, the Inspector of Police, All women Police Station, Thiruverumbur, Trichirappalli District. In view of the compromise entered into between them, all the parties have made a joint submission before this Court that the entire proceedings in Crime No.23 of 2014 may be quashed.

5. Normally, this Court, being vested with only jurisdiction under Sections 438 and 439 of the Code of Criminal Procedure, would not embark upon to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure. But, in the extraordinary facts and circumstances of the case, where the parties themselves pray that the case in Crime No.23 of 2014, pending on the file of the Inspector of Police, All women Police Station, Thiruverumbur, Trichirappalli District, be quashed, it may be too hypertechnical to direct them to file a fresh petition and multiply the litigation. The Supreme Court in **Jitendra Raghuvarshi & others**



Vs.Babita Raghuvanshi & others, [2013 [4] SCC 58], has held that prosecution for matrimonial offences can be quashed when parties have arrived at an amicable settlement.

6. This Court enquired with the *de facto* complainant directly and found that she has signed the compromise memo voluntarily and she has no objection to quash the proceedings in Crime No.23 of 2014, on the file of the Inspector of Police, All women Police Station, Thiruverumbur, Trichirappalli District. In such circumstances, in exercise of the power under Section 482 of the Code of Criminal Procedure, this Court is inclined to quash the proceedings in Crime No.23 of 2014, on the file of the Inspector of Police, All women Police Station, Thiruverumbur, Trichirappalli District and accordingly, it is quashed.

7. It is stated that the petitioners/accused has filed Crl.OP[MD]. No.19190 of 2014 against the *de facto* complainant and three others for a direction to register a case, based on the complaint given by the second petitioner [A-2]. The petitioners herein also agreed to withdraw the said Criminal Original Petition and the complaint given by them, which is pending on the file of Ponmalai Police Station, Trichy. The said submission made by the petitioners is placed on record.

8. The Criminal Original Petition stands disposed of on the above terms.

sd/-
20/03/2015

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE

THIRUVERUMBUR ALL WOMEN POLICE STATION, TRICHY, TRICHY DISTRICT.

2.THE ADDL.PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.A.HARIHARAN Advocate SR.No.13573

ORDER
IN
CRL OP(MD) No.22851 of 2014
Date :20/03/2015

rg.25.03.2015 3p/5c.