



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3509 & 3401 of 2015

WEB COPY

PANDI

SIVAJANAKI

CHANDRAN

PERIYADEVI

..1 TO 4 PETITIONERS/ACCUSED
in CRL OP(MD)No.3509 of 2015

MUTHURAMALINGAM

..PETITIONER/ACCUSED
in CRL OP(MD)No.3401 of 2015

Vs.

THE STATE REP. BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 4 OF 2015

..RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.M.SUBASH BABU Advocate in both the petitions

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)
in both the petitions

For Intervenor : M/S.SENTHIL IYYANAR Advocate in both petitions

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

COMMON ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 406,323, 498(A) and 506(i) IPC and section 4 of Dowry Prohibition Act and Section 4 of TNPHW Act, in Crime No.4 of 2015, seek anticipatory bail.

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

3. When the matters came up for hearing on 26.02.2015 and 27.02.2015, this court granted interim anticipatory bail to all the petitioners with a direction to them to appear before the respondent police for two weeks.

4. On 12.03.2015, when the matters were listed for hearing, learned counsel for the defacto complainant and the learned counsel for the petitioners submitted that the parties are likely to amicably settle their dispute and reunite. Therefore, the interim anticipatory bail was extended till 26.03.2015.

5. Today, when the matters were taken up for hearing, Muthuramalingam (A1)/petitioner in Crl.OP(MD)No.3401 of 2015 and Kanu Amudham (defacto Complainant) appeared before this court with their respective counsels. They represented that they have rejoined on account of the efforts of elders and the counsels.

<https://hcservices.courts.gov.in/hcservices/> places on record its appreciation to Mr.M.Subash Babu, learned counsel for the petitioner and Mr.M.Senthil Ayyanar, learned counsel for the defacto complainant for bringing about rapprochement

between the parties and making them to reunite.

7. Learned Government Advocate (Crl.side) on instructions from the respondent police, who is present today, submitted that the parties have voluntarily arrived at a settlement and have decided to resume their matrimonial life afresh.

8. At this juncture, learned counsel for the petitioners and the defacto complainant made a joint request to quash the case in Crime No.4 of 2015 by relying upon the judgment of the Hon'ble Supreme Court in the case of Jitendra Raghuvanshi and others vs. Babita Raghuvanshi and another, reported in (2013) 4 SCC 58. Muthuramalingam (A1)/petitioner in Crl.OP(MD)No.3401 of 2015 and Kanu Amudham (defacto Complainant) also filed individual affidavits, stating that they have resolved their disputes and have rejoined. They also prayed for quashing the FIR in Crime NO.4 of 2015.

9. This Court, in order to satisfy itself, questioned Muthuramalingam (A1)/petitioner in Crl.OP(MD)No.3401 of 2015 and Kanu Amudham (defacto Complainant) individually and was satisfied that they have decided to bury the hatchet and start a new leaf of matrimonial life.

10. Normally, this Court will not exercise the jurisdiction of Section 482 Cr.PC, since the subject allotted to this Court is to deal only with the applications filed under sections 438 and 439 Cr.PC. 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.PC.

11. Therefore, relying upon the judgment of the Hon'ble Supreme Court of India, referred to above, exercising the powers under Section 482 of Cr.PC., the case in Crime No.4 of 2015 on the file of the respondent police is hereby quashed. In view of quashing of the case in Crime No.4 of 2015, both the Criminal Original Petitions are closed.

sd/-

26/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JIUDICIAL MAGISATRATE, ARUPPUKOTTAI

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+2. CC to M/S.M.SUBASH BABU Advocate SR.No.15067 & 15066

ORDER IN

CRL OP(MD)Nos.3509 & 3401 of 2015

Date :26/03/2015

PBK 31/03/2015 ::2P-7C: