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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.03.2015
CORAM
THE HONOURABLE MR.JUSTICE C.T.SELVAM
Crl.O.P.(MD)Nos.5965 & 5966 of 2015

Crl.O.P(MD)No.5965 of 2015:

1.Sundareswaran
2.Ramasubbu
3.Sumathi
4.Amarkarthick .. Petitioners/Accused Nos.1 to

vs.

1.The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.
Crime No.382 of 2014.
..1st Respondent/Complainant

2.Maragadha Manimala

..2nd Respondent/defacto complainant

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.382 of 2014 U/s.498 (A), 506(ii) I.P.C and Section 4 of Women Harassment Act, on the file of the first respondent and to quash the F.I.R.

For petitioners : Mr.T.R.Subramanian
For R-1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)
For R-2 :Mr.Veera Kathiravan

Crl.O.P(MD)No.5966 of 2015:

1.Sundareswaran
2.Amarkarthick
3.Ramasubbu
4.Sumathi .. Petitioners/Accused Nos.1 to 4
vs.

1.The Inspector of Police,
Umachikulam Police Station,
Madurai District.
Crime No.1020 of 2014
..1st Respondent/Complainant

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2.Maragadha Manimala
..2nd Respondent/defacto complainant

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PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1020 of 2014 U/s. 379 (NP) I.P.C on the file of the first respondent and to quash the F.I.R.

For petitioners: Mr.T.R.Subramanian
For R-1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)
For R-2 :Mr.Veera Kathiravan

COMMON ORDER

Crl.O.P(MD)No.5965 of 2015 has been filed praying to quash the proceedings in Crime No.382 of 2014, registered for the alleged commission of offences punishable under Sections 498(A), 506(ii) of I.P.c and Section 4 of Women Harassment Act, by the Inspector of Police, Puliyangudi Police Station, Tirunelveli District.

2. Crl.O.P(MD)No.5966 of 2015 has been filed praying to quash the proceedings in Crime No.1020 of 2014, registered for the alleged commission of offence punishable under Section 379(NP) I.P.C, by the Inspector of Police, Umachikulam Police Station, Madurai District.

3.On a complaint given by the 2nd respondent/defacto complainant, the above said cases have been registered against the petitioners by the respective respondents.

4.Today when the matters taken up for hearing, though the learned Government Advocate(Crl. Side) submits that the case registered in Crime No.382 of 2014 on the file of Puliyangudi Police Station, Tirunelveli District stands closed as mistake of fact, the learned counsel appearing for the petitioners emphasises that the petitioners are apprehensive of any protest petition that may be filed in this matter and the first petitioner and the second respondent have decided to divorce by mutual consent and H.M.O.P.No.413 of 2014 on the file of III Additional Subordinate Judge, Madurai, is posted for passing of orders of divorce on mutual consent.

5. The parties are present before this Court and they are identified by the respective learned counsels and both the parties have filed a joint compromise memo in both Criminal Original Petitions, stating that the dispute between the defacto complainant and the petitioners has been amicably resolved and therefore, the defacto complainant is not willing to prosecute the case.

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6. The Court has also heard the learned counsel appearing on either side and perused the materials available on record.

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7. Considering the circumstances and the decision of the Honourable Apex Court in *B.S.Joshi and others Vs. State of Haryana and another AIR 2003 SCC 1386* wherein it is held that it is the duty of the Court to encourage genuine settlement of matrimonial disputes, this Court allows these Criminal Original Petitions.

8.Accordingly, the proceedings in Crime No.382 of 2014 on the file of Puliyangudi Police Station, Tirunelveli District and Crime No.1020 of 2014 on the file of Umachikulam Police Station, Madurai District, shall stand quashed. The memo of compromise filed in both Criminal Original Petitions, shall form part of the records.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

(**)COMPROMISE XEROX COPIES ARE ENCLOSED HEREWITH

To

1.The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

2.The Inspector of Police,
Umachikulam Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2ccs to Mr.T.R.Subramanian, Advocate, SR.Nos.15828 and 158289
+2ccs to Mr.Veerakathiravan, Advocate, SR.Nos.16241 and 16242

pm
RL/8c - 15/4/2015

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