



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.04.2015
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

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CRL.O.P(MD)Nos.4529 of 2013 & 5422 of 2014
and M.P(MD)Nos.1 & 2 of 2013 & 1 & 2 of 2014

1.Crl.O.P(MD)No.4529 of 2013:-

- 1.Ramadevi
- 2.Palanivel
- 3.Lalitha
- 4.Singaravadivelan
- 5.Gogulan
- 6.Priyadharshini ... Petitioners/Accused 1 to 6

Vs.

- 1.The Sub-Inspector of Police,
Thiruverumbur Police Station,
Trichy.
... 1st Respondent/Complainant

- 2.Banumathi
... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1908 praying to call for records in C.C.No.123 of 2012 on the file of the learned Judicial Magistrate No.VI, Trichy and quash the same and pass such further or other orders.

For Petitioner : Mr.R.Aravind Raj
For R - 1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

For R - 2 : Mr.N.Sathish Babu

2.Crl.O.P(MD)No.5422 of 2014:-

- 1.Banumathi
- 2.Kavitha
- 3.Prabakar
- 4.Ezhumalai ... Petitioners/Accused 1 to 4

Vs.



1.The State,
Rep. By the Inspector of Police,
Thiruverumbur Police Station,
Trichy District.

Crime No.495 of 2010

... 1st Respondent/Complainant

2.Ramadevi

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1908 praying to call for records in connection with the impugned charge sheet in C.C.No.125 of 2012 pending trial on the file of the Judicial Magistrate No.VI, Tiruchirappalli and quash the same and pass such further or other orders.

For Petitioner : Mr.N.Sathish Babu
For R - 1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

For R - 2 : Mr.R.Aravind Raj

COMMON ORDER

These Criminal Original Petitions have been filed to call for records in connection with the impugned charge sheet in C.C.Nos.123 and 125 of 2012 pending trial on the file of the Judicial Magistrate No.VI, Tiruchirappalli and quash the same.

2. As both the cases are case and counter, they have taken up together and disposed of by a common order.

3. Heard both sides.

4. The petitioners in Crl.O.P(MD)No.4529 of 2013 are arrayed as accused Nos.1 to 6 in C.C.No.123 of 2012 for the alleged offences under Sections 147, 451, 294(b), 355, 323 and 506(ii) of the Indian Penal Code read with Section 4 of TNPWH Act and the petitioners in Crl.O.P(MD)No.5422 of 2014 are arrayed as accused Nos.1 to 4 in C.C.No.125 of 2012 for the alleged offences under Sections 294(b), 323 and 506(i) of the Indian Penal Code and seeking to quash the said proceedings, the present petitions have been filed.

5. When the matter is taken up for hearing, a joint memo of compromise has been filed by both parties and it is also signed by both the parties and counsels in Crl.O.P(MD)No.4529 of 2013, wherein it has been stated as follows:-



"3.It is respectfully submitted that, since the case instituted by the second respondent is a matrimonial dispute and now the same has been settled out of Court through negotiation by the family elders. Now the first petitioner and the son of the second respondent namely Prabhakar are leading their life happily at No.15/31, 3rd Street, New Colony, West Saidapet, Chennai - 600 032. Therefore, now both the petitioners and the second respondent decided to withdraw the criminal case pending before the learned Judicial Magistrate No.VI, Trichy in view of development in the family issue."

6. A joint memo of compromise has been filed by both parties and it is also signed by both the parties and counsels in CrI.O.P (MD)No.5422 of 2014, wherein it has been stated as follows:-

"3.It is respectfully submitted that, since the case instituted by the second respondent is a matrimonial dispute, now the same has been settled out of Court through negotiation by the family elders. Now the third petitioner and the second respondent are leading their life happily at No.15/31, 3rd Street, New Colony, West Saidapet, Chennai - 600 032. Therefore, now both the petitioners and the second respondent decided to withdraw the criminal case pending before the learned Judicial Magistrate No.VI, Tiruchirappalli in view of development in the above said family issue."

7. The petitioners as well as the second respondent in both the petitions are also present before this Court. The said joint memo of compromise is taken on record.

8. Considering the said averments and also going through the records, this Court is of the view that it is a fit case for quashing C.C.Nos.123 and 125 of 2012.

9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.Nos.123 and 125 of 2012 on the file of the Judicial Magistrate No.VI, Tiruchirappalli are quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Judicial Magistrate No.VI,
Trichy.

2.The Sub-Inspector of Police,
Thiruverumbur Police Station,
Trichy.

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

+One cc to Mr.N.Sathish Babu, Advocate, SR.No.23330

+One cc to Mr.R.AravindRaj, Advocate, SR.No.23723

ps

RL/6 c- 19/5/2015

CRL.O.P (MD) Nos.4529 of
2013 & 5422 of 2014

29.04.2015