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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.24150 of 2015

Selvakumar

... Petitioner

vs.

1.The Inspector of Police
Town Police Station
Tirunelveli Town
Tirunelveli District
(Crime No.91 of 2015)

2.A.Gomathy

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.91 of 2015, on the file of the first respondent.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mrs.S.Prabha, G.A.(Crl.Side) for R1
Mr.Muthumalairaja for R2

O R D E R

This petition has been filed seeking to quash the case registered in Crime No.91 of 2015, on the file of the first respondent Police, pursuant to the amicable settlement effected between the parties.

2. When the matter is taken up for hearing, the petitioner / accused and the second respondent, appeared in person and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the Government Advocate (Criminal Side) through the first respondent Police, namely, Mr.Gnanasekaran, Special Sub Inspector of Police, Tirunelveli Town Police Station. Learned counsel appearing for the parties also endorsed the identify of their respective parties.



3. It is seen that the petitioner / accused is the husband of the *de facto* complainant / second respondent. It is the case of the *de facto* complainant / second respondent that she got married to the petitioner / accused on 06.02.2014 and they are having one female child through the wedlock. In the meantime, their matrimonial life ran into rough weather and there was a quarrel between them. On a complaint lodged by the *de facto* complainant / second respondent, the first respondent Police has registered a case, in Crime No.91 of 2015, on 10.02.2015, under Sections 294(b), 323, 307, 342 I.P.C., and Section 4 of T.N.P.H.W.Act. Though Section 307 I.P.C., has been invoked, on reading of the complaint, dated 10.02.2015, it is seen that the said offence does not disclose any grave offence and the *de facto* complainant / second respondent has not suffered any serious injury. Now, the parties have arrived at a compromise and filed a memorandum of compromise to that effect. The *de facto* complainant / second respondent has also filed an affidavit, dated 15.12.2015, wherein she has stated that:

"1. I am the *defacto* complainant in crime No.91 of 2015, which is pending on the file of the 1st respondent police as such I am well aware of the facts and circumstances of the case.

2. I submit that the petitioner is my husband. Our marriage was arranged by elders of our family. The marriage was conducted on 06.02.2014 as per the Hindu Rites and Customs. Due to wedlock, a female child was born to us. There was a verbal quarrel between me and my husband on 10.02.2015. Due to that, my husband assaulted me and also abused me with bad words. Hence, I gave the complaint against my husband.

3. I submit that now we amicably settle the matter since we are intending to start our matrimonial life peacefully. Because of the pendency of the above criminal case, our peaceful life would suffer. On occurrence day, my husband has no motive or malice intention against me. Now, we amicably settle our problems out of the court. Now the complaint given by me is pending in Crime No.91 of 2015 on the file of the first respondent, which is registered under Sections 294(b), 323, 307, 342 of I.P.C., and Section 4 of TNPHW Act. As stated supra, the pendency of the Crime No.91 of 2015 is necessary and the same has to be quashed in the light of the above circumstances."



4. Considering the facts and circumstance of the case and also taking into account the joint memo of compromise, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings, in Crime No.91 of 2015, on the file of the first respondent Police in respect of the petitioner / accused, are hereby quashed.

5. Accordingly, this criminal original petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo and the affidavit, dated 15.12.2015, shall form part of this Order.

COMPROMISE MEMO

It is submitted that the petitioner and the 2nd respondent has resolved all the disputes between them. So, the Crime No.91 of 2015 on the file of the 1st respondent is unnecessary and the same has to be quashed in the light of the above circumstances and this Hon'ble Court may be pleased to pass suitable orders and thus render justice.

Sd/-
Petitioner
Sd/-
Counsel for the petitioner

Sd/-
2nd Respondent
Sd/-
Counsel for 2nd Respondent
Sd/
Assistant Registrar(AS)

/TRUE COPY/

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

To

- 1.The Inspector of Police,
Town Police Station,
Tirunelveli Town,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Sudalaiyandi, Advocate in SR.No.10182