



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

CrI.O.P.(MD) No.15400 of 2016

and

CrI.M.P.(MD).No.7285 of 2016

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1.M.George Rex
2.A.Mariadason @ A.M.Dason
3.M.Celestin
4.M.Anitha Mary
5.Susmitha @ Sumi

... Petitioners/
A1 to A5

-vs-

1.State Rep. by
the Inspector of Police,
All Women Police Station,
Tuticorin District.
(Crime No.21/2015)

... 1st Respondent/Complainant

2.Cheryl

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure praying to call for the records relating to the proceedings in Crime No.24 of 2015 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.T.Antony Arul Raj

For R1 : Mr.A.P.Balasubramani
Govt. Advocate (CrI.Side)

For R2 : Mr.C.T.Perumal

O R D E R

This petition has been filed seeking to quash the proceedings in Crime No.24 of 2015, which has been registered under Sections 498-A IPC and Section 4 of Dowry Prohibition Act, by the 1st respondent against the petitioners.

2. When the matter is taken up for hearing, the learned counsel for both sides submitted that both the parties appeared before the Mediation and Conciliation Centre, attached this Bench and arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.24 of 2015 pending on the file of the first respondent Police and the same may be permitted and the FIR in Crime No.24 of 2015 may be quashed.



3. A perusal of the mediation report dated 22.07.2016, which has been filed by the petitioner along with typed set of papers, would go to show that both the parties have amicably settled their issues on certain terms. The mediation report reads as follows;

"Today both the petitioner Nos.1 to 5 and the defacto complainant present with their respective counsels before the Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai.

1.The petitioners offers Rs.4,00,000/- (Rupees four lakhs only) out of the claim amount.

2.The petitioners paid an amount of Rs.4,00,000/- (Rupees four lakhs only) and the defacto complainant received the amount as mentioned below:

Sl. No.	Date	Amount
1.	20/01/2016	1,00,000/- (by cash)
2.	22/02/2016	55,000/- (by cash)
3.	30/04/2016	1,00,000/- (Petitioner credit in favour of Defacto complainant A/c.No.156100050308658 in K.K.Nagar Branch, Madurai)
4.	14/06/2016	10,000/- (by cash)
5.	15/06/2016	60,000/- (by cash)
6.	22/07/2016	15,000/- (by cash)
	Total	4,00,000/-

3.The parties here to confirm and declare that they have voluntarily and their free will arrived at the settlement agreement in the presence of Mediator and their counsels.

4.With regard to the claim amount, the respondent/defacto complainant states that she is not having any further claim with petitioners with regard to Crime No.24/2015 on the file of the Inspector of Police, All Women Police Station, Tuticorin District and also withdraw the complaint as mentioned above."

4.Having regard to the above settlement arrived at between the parties, this Court can safely infer that the chances of the defacto complainant deposing against the petitioners is remote and therefore, the chance of conviction of the accused is bleak. Therefore, this Court is of the view that quashing of the First Information Report will be the ends of justice and accordingly, the same is ordered to be quashed.



5. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.24 of 2015 on the file of the 1st respondent police in respect of the petitioners are hereby quashed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
All Women Police Station,
Tuticorin District.

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

+1cc to M/s.T.Antony Arul Raj, Advocate SR.No.47526

Cr1.O.P.(MD) No.15400 of 2016

24.08.2016

gcg

SD/DB/26.09.2016/3P/4C