



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.17203 of 2016

Shanmugaraj

.. Petitioner/sole accused

-vs-

1. State represented by
The Inspector of Police,
Puthiyamputhur Police Station,
Tuticorin District.
(Cr. No.176/2016) .. 1st Respondent/Complainant
2. Muneeswari .. 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in FIR in Crime No.176 of 2016 on the file of the 1st respondent and quash the same with regard to the petitioner.

For Petitioner : Mr.P.Banu Prasath

For R1 : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

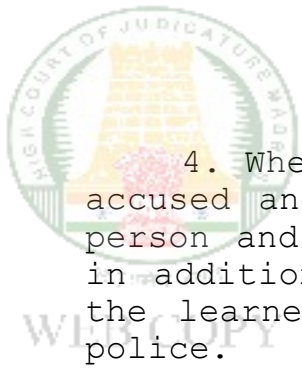
For R2 : Mr.K.Kulanthaivickram

O R D E R

This petition has been filed seeking to quash the case registered in Crime No.176 of 2016 on the file of the 1st respondent herein.

2. It is seen that a case in Crime No.176 of 2016 for the alleged offences under Sections 294(b) and 323 IPC and Section 4 of TNPHW Act, on the file of the 1st respondent police, has been registered against the petitioner/sole accused.

3.The petitioner and the second respondent/defacto complainant are the husband and wife. The second respondent gave a complaint against the petitioner alleging that he made quarrel with her when she questioned the illegal intimacy with another lady, he attacked her in drunken mood and on 05.07.2016, when she went to her brother's house in her native place, the petitioner also went there, picked up quarrel with her and scolded her using filthy language and attacked her head using stone and kicked her.



4. When the matter is taken up for hearing, the petitioner/sole accused and the second respondent/defacto complainant, 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 learned Government Advocate (Cr1.Side) through the respondent police.

5. Learned counsel appearing for the second respondent would submit that the matter is purely family dispute and both parties are now compromised out of the Court.

6. Further, learned counsel appearing for both parties filed a joint memo of compromise dated 30.08.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has no objection to quash the above case in Crime No.176 of 2016, pending on the file of the first respondent.

7. Hence, in view of joint memo of compromise dated 30.08.2016, this Court is of the opinion that it can safely be said that no useful purpose would be served in keeping the matter pending.

8. Accordingly, this Criminal Original Petition is allowed and the entire proceedings in Crime No.176 of 2016 on the file of the 1st respondent police in respect of the petitioner/sole accused is hereby quashed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

PJL

To

1. The Inspector of Police,
Puthiyamputhur Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr. P.BANU PRASATH, Advocate, Sr.No:52458

JAM/SKS-RR/28.09.16/2p-4c