



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.17446 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

- 1.Nagoor Mohideen
- 2.Adham Beevi
- 3.Jabar Ali
- 4.Sheik Mohameed
- 5.Kamithal Begam @ Habitha Banu
- 6.Jamimal Begam @ Jami Banu

... Petitioners/ Accused Nos.1 to 6

-Vs-

- 1.The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District. ...1st Respondent / Complainant
(Crime No.2/2015)

- 2.M.Hagira Parveen ...2nd Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.127 of 2015 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and quash the same.

For Petitioners	: Mr.S.Ramasamy
For R1	: Mr.K.S.Duraipandian
	Additional Public Prosecutor
For R2	:Mr.M.Sheik Abdullah

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.127 of 2015 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and quash the same.

2.Heard the learned Counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned Counsel appearing for the second respondent.



3.The petitioners are Accused Nos.1 to 6 in the criminal case in C.C.No.127 of 2015 on the file of the learned Judicial Magistrate No.II, Srivilliputhur. The second respondent is the wife of the first petitioner and the marriage was solemnized on 31.10.2012. Based on the complaint lodged by the second respondent, a case was registered in Crime No.2 of 2015, as against the petitioners, for the offences punishable under Sections 498(A), 406 and 313 IPC r/w Section 3 of Dowry Prohibition Act. After filing the charge sheet the case was taken on file by the learned Judicial Magistrate No.II, Srivilliputhur, in C.C.No.127 of 2015. It is represented that the second petitioner died, after the charge sheet was filed.

4.It appears that the parties, namely, the petitioners and the second respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives and a compromise was also reached. A Joint Compromise Memo, dated 13.11.2017, signed by both the parties, in the presence of their respective Counsels, is also produced before this Court. As per the Joint Compromise Memo, the second respondent has no objection for quashing the criminal proceedings in C.C.No.127 of 2015 on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

5.Today, the parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the first respondent police.

6.In view of the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence the C.C.No.127 of 2015 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

Herewith enclosed the xerox copy of Joint Compromise Memo

1.The Judicial Magistrate No.II,
Srivilliputhur.

2.The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.

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

+1CC to Mr.S.Ramasamy, Advocate, SR.No. 90791

+1CC to Mr.M.Sheik Abdullah, Advocate, SR.No. 90639

CRL.O.P.(MD) No.17446 of 2015

cmr

AM/SV MMS/SAR 1/22.12.2017/3P/6C