



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) No.10323 of 2017

1.Karthikeyan ... Petitioners/Accused 1 to 6
2.Pitchaikani
3.Jamuna
4.Vijayalakshmi
5.Kamalavathy @ Kamala
6.Saravanan

-Vs-

1. State rep. by
The Inspector of Police,
All Women Police Station (South),
Madurai.
(Crime No.2 of 2016) ... 1st Respondent/Complainant

2. Vaishali ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records and quash the charge sheet in C.C.No.327 of 2016 on the file of the learned Additional Mahila Judge, Magistrate Level, Madurai which pertains to the Crime No. 2 of 2016, on the file of the first respondent police.

For Petitioner : Mr.P. Sureshkumar
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).
For R-2 : Mr.M. Shakul Hameed

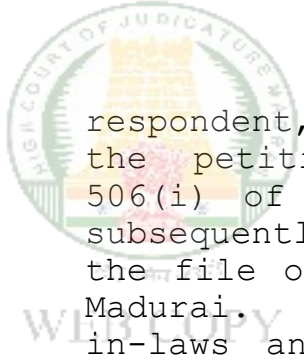
ORDER

This Criminal Original petition is filed to call for records and quash the charge sheet in C.C.No.327 of 2016 on the file of the learned Additional Mahila Judge, Magistrate Level, Madurai which pertains to the Crime No. 2 of 2016, on the file of the first respondent police.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. On the basis of complaint received from the second



respondent, a case was registered in Crime No. 2 of 2016 as against the petitioners / A1 to A6 for the offences under Sections 498(A), 506(i) of IPC on the file of the first respondent Police and subsequently, the charge sheet was filed in C.C.No.327 of 2016 on the file of the learned Additional Mahila Judge, Magistrate Level, Madurai. The petitioners, who are arrayed as accused are husband, in-laws and relatives of second respondent herein. The second respondent also filed maintenance case in M.C.No.95 of 2015 and a petition for divorce in HMOP.No.348 of 2016, before the learned Judge, Family Court, Madurai as against the first petitioner.

4. It appears that parties have also entered into a compromise vide compromise memo dated 02.02.2017 and it was acted upon. In terms of compromise memo parties have agreed to settle their dispute amicably outside of the Court. A separate joint memo of compromise dated 28.07.2017 is filed before this Court. As per the memo, the second respondent also agreed not to pursue the further proceedings in C.C.No.327 of 2016 and she has no objection to quash the case subject to the terms of compromise memo. It is also found that the compromise that was signed on 28.07.2017 contemplate certain conditions regarding payment of money. As per clause 5 (vi), the first petitioner agreed to pay a sum of Rs.1,25,000/- on the date of evidence before the learned Judge, Family Court, Madurai on 05.08.2017. Since the Court was on leave, the matter is adjourned to 24.08.2017. However, payment as per terms ensured by the petitioner. The de facto complainant has agreed that proceedings in C.C.No.327 of 2016 can be quashed.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own will and volition.

6. Having regard to the terms of the joint memo of compromise, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the criminal proceedings pending in C.C.No.327 of 2016 on the file of the learned Additional Mahila Judge, Magistrate Level, Madurai, is quashed in toto and the Joint Compromise Memo signed by the parties shall form part of the order.

7. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,

<https://hcservices.ecourts.gov.in/hcservices/>
All Women Police Station (South),
Madurai.



2. The Additional Mahila Judge, Magistrate Level, Madurai.

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

+1cc to Mr.SHAKUL HAMEED Advocate in SR. No.70841

+2cc to Mr.R.KARUNANIDHI Advocate in SR. No.70858

TRP

JS/KP/SAR.2/28.08.2017/3P-7C

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