



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)Nos.12070, 12071 and 12072 of 2017

CRL.OP.(MD)No.12070 of 2017

1.Babu

2.Vasanthi

...Petitioners/Accused Nos.1 & 3

Vs.

1.The State represented by its,
The Inspector of Police,
Nachiar Kovil Police Station,
Thanjavur District.

...1st Respondent/Complainant

2.Nirmala Devi

...2nd Respondent/ De-facto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Crime No.155 of 2011 on the file of the first respondent and to quash the same.

CRL.OP.(MD)No. 12071 of 2017

Babu

...Petitioner/Sole Accused

Vs.

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

... 1st Respondent/Complainant

2.Nirmala Devi

... 2nd Respondent/Defacto complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.18 of 2008 on the file of the learned Judicial Magistrate, Karaikudi and to quash the same.

CRL.OP.(MD)No. 12072 of 2017

1.Vasanthi

2.Nirmala

...Petitioners/Accused Nos. 2 & 3



Vs.

1.The State represented by its,
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

...1st Respondent/Complainant

2.Nirmala Devi

...2nd Respondent/De-facto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.287 of 2010, on the file of the learned Judicial Magistrate, Karaikudi and to quash the same.

(In all Crl.O.Ps.)

For Petitioners : Mr.D.Venkatesh

For 1st Respondent : Mr.K.Anbarasan

Govt. Advocate(Crl.Side)

For 2nd Respondent : Mr.R.Sundar Srinivasan

C O M M O N O R D E R

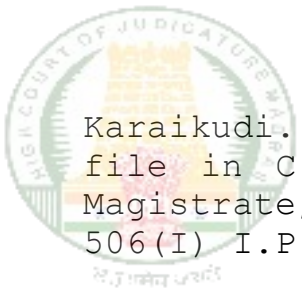
Crl.O.P.(MD)No.12070 of 2017 is filed for quashing the criminal proceedings in Crime No.155 of 2011 on the file of the first respondent.

2. Crl.O.P.(MD)No.12071 of 2017 is filed for quashing the Charge Sheet in C.C.No.18 of 2008 on the file of the learned Judicial Magistrate, Karaikudi.

3. Crl.O.P.(MD)No.12072 of 2017 is filed for quashing the Charge Sheet in C.C.No.287 of 2010, on the file of the learned Judicial Magistrate, Karaikudi.

4. 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.

5. It appears that the wife is the second respondent/defacto-complainant in all the Criminal Original petitions and the petitioner in Crl.OP.(MD)No.12071 of 2017, is the husband. On the basis of the complaint lodged by the second respondent as against the petitioners who are accused Nos.1 and 3 in Crime No.155 of 2011, a case was registered for the alleged offences under Section 498(A) and 494 of I.P.C. Similarly, on the basis of the another complaint lodged by the second respondent, a case was registered in Crime No.5 of 2007 before the All Women Police Station,



Karaikudi. After filing of the Charge sheet, the case was taken on file in C.C.No.18 of 2008 on the file of the learned Judicial Magistrate, Karaikudi, for the offences under Sections 498(A) and 506(I) I.P.C., and Section 4 of Dowry Prohibition Act.

6. The petitioners/accused Nos.2 and 3 in CrI.OP.(MD) No.12072 of 2017 are the mother-in-law and brother-in-law of the second respondent. Here also, based on the complaint of the second respondent in Crime No.5 of 2007, the petitioners were also included. After filing of the Charge Sheet, the case was taken on file in C.C.No.287 of 2010, on the file of the learned Judicial Magistrate, Karaikudi.

7. This Court noticed that in all the cases the second respondent/wife is the defacto complainant and the complaints were only in relation to the alleged cruelty and harassments. It appears that the parties have amicably settled their dispute outside Court, on the advise of the relatives and well wishers. They have also entered into a compromise. Containing the same terms, independent Joint Compromise Memos have been filed by the parties. The Joint Compromise Memos signed by the defacto complainant and the petitioners in the respective cases in the presence of their respective counsels are produced before this Court. As per the Joint Compromise Memos, the defacto-complainant has prayed for quashing the Charge Sheets in C.C.No.18 of 2008 and C.C.No.287 of 2010 on the file of the learned Judicial Magistrate, Karaikudi and the criminal proceedings in Crime No.155 of 2011 on the file of the first respondent in CrI.O.P.(MD)No.12070 of 2017. It is also stated that the defacto complainant has acknowledged the receipt of the amount which is referred to in the Joint Compromise Memos.

8. Today the parties, namely, the petitioners in all the cases and the defact-complainant/wife appeared before this Court, and expressed in unequivocal terms that they have signed the Joint Compromise Memos 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 Government Advocate(Criminal side) through the first respondent police.

9. Having regard to the specific terms of the Joint Compromise Memos, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint Compromise Memos signed by the parties, the Criminal Original petitions are allowed and the criminal complaint in Crime No.155 of 2011 on the file of the first respondent, C.C.No.287 of 2010 on the file of the learned Judicial Magistrate, Karaikudi, and the Charge Sheet in C.C.No.18 of 2008 on the file of the learned Judicial Magistrate, Karaikudi,



are quashed in *toto*. The Joint Compromise Memos signed by the parties in all the cases shall form part of the order.

Sd/-

Assistant Registrar(CS-I)

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/True Copy/

Sub Assistant Registrar

To

Encl:Xerox copy of Compromise memo

- 1.The Judicial Magistrate, Karaikudi.
- 2.The Inspector of Police,
Nachiar Kovil Police Station, Thanjavur District.
- 3.The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+3ccs to M/S.D.VENKATESH, Advocate SR.Nos.78553 to 78555

+3ccs to M/S.R.SUNDAR SRINIVASAN, Advocate SR.Nos.78577 to 78579

pmu

MAS/SKN-RSK/SAR2:12.10.2017:4P-11C

COMMON ORDER MADE IN
CRL.OP.(MD)Nos.12070, 12071 and 12072 of 2017
13.09.2017