



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.10.2017
CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Crl.O.P.(MD) Nos. 13935 and 14015 of 2017

Crl.O.P.(MD) No.13935 of 2017

Syed Abuthahir ...Petitioner/Respondent
-Vs-

1.Surath Yasmin Yamina

2.Minor. Ilashyaphi ... Respondents/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in M.C.No.24 of 2015 pending before the learned Chief Judicial Magistrate, Ramanathapuram and quash the same as illegal.

For Petitioner : Mr.K.M.Priscilla Jancy
For Respondents : Mr.S.A.S.Alaudeen

Crl.O.P.(MD) No.14015 of 2017

1.Syed Abuthahir

2.Jahubar Sathik

3.Arifa @ Mohammad Arifa

4.Syed Rafiya

5.Mariam Sajitha

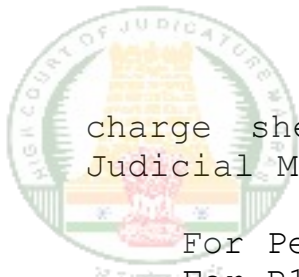
6.Thowlath @ Thowlath Mariyam Beevi ...Petitioners/Accused
No.1,2,3,4,5,6

-Vs-

1. The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
(Crime No.7 of 2015)

... Respondents/Complainant

2. Surath Yasmin Yamina ... Respondents No.2/Defacto
Complainant



charge sheet in C.C.No.38 of 2017 pending before the learned Judicial Magistrate No.I, Ramanathapuram.

For Petitioners

:Mr.K.M.Priscilla Jancy

For R1

:Mr.K.S.Durai Pandian

For R2

Additional Public Prosecutor

:Mr.Alavudeen

COMMON ORDER

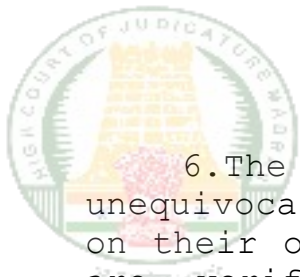
The Criminal Original Petition in CrI.O.P(MD) No.13935 of 2017 has been filed to call for the records in M.C.No.24 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram and quash the same.

2.The Criminal Original Petition in CrI.O.P(MD) No.14015 of 2017 has been filed to quash the charge sheet in C.C.No.38 of 2017 on the file of the learned Judicial Magistrate No.I Ramanathapuram.

3.The petitioner in CrI.O.P(MD) No.13935 of 2017 is the respondent in M.C.No.24 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram and the second respondent is a Minor, represented by her mother. The petitioners in CrI.O.P(MD) No.14015 of 2017 are the accused Nos.1 to 6 in C.C.No.38 of 2017 on the file of the Judicial Magistrate Court No.I, Ramanathapuram.

4.The petition in M.C.No.24 of 2015 was filed under Sections 125 of Cr.P.C., before the learned Chief Judicial Magistrate, Ramanathapuram, for maintenance of minor child, namely the second respondent in CrI.O.P(MD)No.13935 of 2017. In CrI.O.P(MD) No.14015 of 2017, the second respondent lodged a complaint as against the petitioners and the same was registered in Cr.No.7 of 2015 for the offences punishable under Sections 498(A) 406, 494 506(i) of IPC and r/w 109 of IPC & 4 of Dowry Prohibition Act, by the first respondent police. After filing the charge sheet, the case was taken on file by the learned Judicial Magistrate No.I, Ramanathapuram.

5.It appears that on the advise of elders and relatives, the petitioners and the private respondents in both cases, have agreed to compromise the matter out of Court and they have also entered into a compromise. Joint Compromise Memos, signed by them, in the presence of their respective counsel, is also filed by the parties. As per the Joint Compromise Memos, the de-facto complainant, namely, the second respondent in CrI.O.P.(MD) No.14015 of 2017 and the respondents in CrI.O.P.(MD) No.13935 of 2017, have given their consent to quash the entire proceedings in M.C.No.24 of 2015 and C.C.No.38 of 2017.



6.The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memos on their own will and free 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 respondent police.

7.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 these matters pending. Hence the criminal proceedings in M.C.No.24 of 2015 pending on the file of the learned Chief Judicial Magistrate, Ramanathapuram and in C.C.No.38 of 2017, pending on the file of the learned Judicial Magistrate No.I, Ramanathapuram, are quashed in *toto*. The Joint Compromise Memos signed by the parties shall form part of the order.

8.Accordingly, these Criminal Original Petitions are allowed.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memos

To

1. The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
2. The Chief Judicial Magistrate,
Ramanathapuram.
3. The Judicial Magistrate No.1,
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MM

VB/SV/MMS/SAR2/07/11/2017/3P/5C

Cr1.O.P.(MD) Nos. 13935 and 14015 of 2017

13.10.2017