



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.10.2017

CORAM

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

Crl.O.P.(MD) No. 13990 of 2017

1.Srinivasan

2.V.S.Shunmugavadivel

3.Saravanana Sundari

4.Rengasamy

5.Marisamy

6.Vijayabharathi ...Petitioners/Accused No 1 to 6

-Vs-

1.State represented by,
The Inspector of Police,
All Women Police Station,
Uthamapalayam Taluk,
Theni District.
(Crime No.19 of 2014)

...Respondent/Complainant

2.Selvalakshmi ... Respondents/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in C.C.No.221 of 2016 on the file of the learned Judicial Magistrate Court, Uthamapalayam, Theni District and quash the same.

For Petitioners : Mr.K.P.S.Palanivel Rajan
For R1 : Mr.K.S.Durai Pandi
Additional Public Prosecutor
For R2 : K.Vidya

ORDER

The Criminal Original Petition has been filed to call for records in C.C.No.221 of 2016 on the file of the learned Judicial Magistrate Court, Uthamapalayam, Theni District.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.



3.The petitioners are accused Nos.1 to 6 in C.C.No.221 of 2016. Based on the complaint lodged by the second respondent, a case was registered in Crime No.19 of 2014, for the offences punishable under Sections 498(A) 406 and 506(i) IPC and Section 4 of Dowry Prohibition Act, on the file of the respondent police. After filing the charge sheet, the case was taken on file in C.C.No.221 of 2016 before the Judicial Magistrate Court, Uthamapalayam, Theni District. The first petitioner is the husband of the second respondent who is the de-facto complainant in Cr.No.19 of 2014.

4.It appears that the petitioners and the second respondent have settled their dispute amicably out of Court and they have also entered into a compromise, on the advise of elders and the family members. A Joint Compromise Memo, dated 11.10.2017, signed by both parties, in the presence of their respective counsel, is also filed before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for quashing the entire proceedings in C.C.No.221 of 2016.

5.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.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the criminal proceedings in C.C.No.221 of 2016, on the file of the learned Judicial Magistrate Court, Uthamapalayam, Theni District, 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.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

ENCL:-Xerox copy of Compromise Memo

To

1.The Judicial Magistrate Court,
Uthamapalayam, Theni District.

<https://hcservices.uthamapalayam.nic.in>

2.-do-Thro' Chief Judicial Magistrate, Theni.



3.The Inspector of Police,
All Women Police Station,
Uthamapalayam Taluk,
Theni District.

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

+1cc to Mr.K.P.S.PALANIVELRAJAN, Advocate, SR.83115

+1cc to Ms.K.VIDYA, Advocate, SR.83102

Crl.O.P.(MD) No. 13990 of 2017
13.10.2017

MM

KK/SKN RSK/SAR 2/06.11.2017/ 3P- 7C/