



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD) No.16599 of 2017

- 1.Kattappan
- 2.Mariammal
- 3.Durgeswari
- 4.Somathal

... Petitioners/Accused 1, 2, 4 & 5
-Vs-

- 1.The State represented by
The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.

...1st Respondent / Complainant

- 2.Sasikala

...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 C.C.No.160 of 2016, on the file of the learned Judicial Magistrate, Palani and quash the same.

For Petitioners : Mr.D.Venkatesh

For R1 : Mr.K.S.Duraipandian
Additional Public Prosecutor

For R2 : Mr.T.Lenin Anandh

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.160 of 2016, on the file of the learned Judicial Magistrate, Palani 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, 2, 4 and 5 in the criminal case in C.C.No.160 of 2016 on the file of the learned Judicial Magistrate, Palani. Based on the complaint lodged by the second respondent, a case was registered in Crime No.4 of 2016, as against the petitioners, for the alleged offences punishable under Sections 498(A), 294(b) and 506(i) IPC and Section 4 of the Dowry Prohibition Act. After filing the charge sheet, the case was taken on file by

the learned Judicial Magistrate, Palani in C.C.No.160 of 2016.

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 19.11.2017, 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 / de-facto complainant has no objection for quashing the criminal proceedings in C.C.No.160 of 2016 on the file of the learned Judicial Magistrate, Palani.

5.It is represented the third accused in the criminal proceedings, namely, the father of the first petitioner is no more and therefore the petitioners and the second respondent 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 criminal proceedings in C.C.No.160 of 2016 on the file of learned Judicial Magistrate, Palani, 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(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Palani.

2.The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.

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

+1cc to Mr.D.VENKATESH Advocate in SR. No. 91519

CMR

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

JS/GI/SAR.1/13.12.2017/2P-5C

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