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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP(MD)No.16994 of 2017

1. Jatin Nem Chand Gada
2. Nemchand Khimji Gada
3. Chirag Nemchand Gada
4. Sunayana

... Petitioners/Accused Nos.1 to 4

Vs.

- 1.The State represented by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
(Crime No.12 of 2003)

... Respondent /Complainant

- 2.Mital K.Lalan

... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.22 of 2014 pending on the file of the learned Judge, Additional Mahila Court(Judicial Magistrate Level, Madurai and to quash the same.

For Petitioners : Mr.A.P.Sathyamurthy

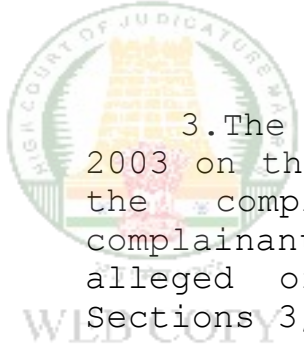
For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-2 : Mr.T.Balakrishnan

O R D E R

This Criminal Original petition is filed for quashing the Charge Sheet in C.C.No.22 of 2014 pending on the file of the learned Judge, Additional Mahila Court(Judicial Magistrate Level), Madurai.

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



3. The petitioners are the accused Nos.1 to 4 in Crime No.12 of 2003 on the file of the first respondent police. On the basis of the complaint lodged by the second respondent/de-facto complainant, a case was registered in Crime No.12 of 2003, for the alleged offences under Sections 498(A), 406 of I.P.C., and Sections 3, 4 and 6 of Dowry Prohibition Act.

4. After filing of the Charge Sheet, the case was taken on file in C.C.No.22 of 2014 on the file of the learned Judge, Additional Mahila Court(Judicial Magistrate Level), Madurai for the offences under Sections 498(A) of I.P.C., and Sections 3, 4 and 6 of Dowry Prohibition Act.

5. The second respondent/wife appears to have changed her mind and agreed to withdraw the complaint. The parties, namely, the first petitioner and the second respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives. It appears that the first petitioner and the second respondent have agreed to get mutual divorce subject to terms. It is stated that they have also entered into a compromise. The Joint Compromise Memo, dated 29.11.2017, signed by the petitioners and the de-facto complainant in the presence of their respective counsels is produced before this Court. As per the Joint Compromise memo, the parties have entered into a Memorandum of Understanding, dated 29.11.2017 and the Memorandum of Understanding containing terms have been acted upon. In the Joint Compromise memo, the second respondent has agreed to withdraw the case and also expressed no objection for quashing the Charge Sheet in C.C.No.22 of 2014 pending on the file of the learned Judge, Additional Mahila Court(Judicial Magistrate Level), Madurai.

6. Though the petitioners 2, 3 and 4 are absent due to the reason acceptable to this Court, the parties have signed in the Joint Compromise Memo. Today, the first petitioner 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.

7. Having regard to the specific terms of the Joint Compromise Memo and the fact that the payment of money as per the terms of Memorandum of Understanding is paid and acknowledged, 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 Memo signed by the parties, the Criminal Original Petition is allowed and the criminal proceedings in C.C.No.22 of 2014 on the file of the learned Judge, Additional Mahila Court



(Judicial Magistrate Level), Madurai, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

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/True Copy/

Sd/-

Assistant Registrar (AD-I)

Sub Assistant Registrar

To

**Enclosure : The Joint Compromise Memo signed by the parties.
(Xerox Copy)**

1. The Judge,
Additional Mahila Court (Judicial Magistrate Level), Madurai.
2. The Inspector of Police, All Women Police Station,
Tallakulam, Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.S.Ravi, Advocate SR.No. 91759

+10cc to M/S.A.P.Sathyamurthy, Advocate SR.No. 91743

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08.12.2017

pmu

JM/SV MMS/SAR 2/08.12.2017/3P/15C