



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.2909 of 2017

1.C.Aandavar
2.Chandrasekaran
3.Malliga
4.Poornima

: Petitioners

-vs-

1.State through the Inspector of Police,
All Women Police Station,
in Crime No.17 of 2013,
Virudhunagar District.

2.Niranjanasundari

: Respondents

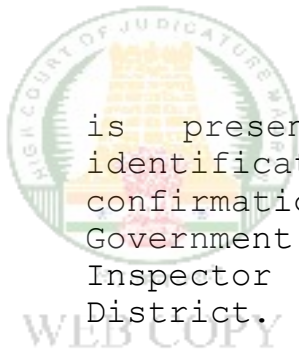
Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records and to quash the charge sheet in C.C.No.190 of 2014 pending on the file of the learned Judicial Magistrate No.II, Virudhunagar in the nature and circumstances of the case and in the interest of justice, equity and good conscience.

For Petitioners	:	Mr.R.Rajamohan
For Respondent No.1	:	Mr.K.Anbarasan, Government Advocate (Crl.side)
For Respondent No.2	:	Mr.V.A.Dhana Aravindha Balaji, For M/s.Dhana Law Associates

O R D E R

On the complaint lodged by one Niranjanasundari, the first respondent police registered a case in Crime No.17 of 2013 and after completing the investigation, has filed a final report in C.C.No.190 of 2014, before the learned Judicial Magistrate No.II, Virudhunagar, for offences under Sections 498(A), 406 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against the petitioners, challenging which, the accused and the *defacto* complainant are before this Court for quashing the proceedings in C.C.No.190 of 2014 against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, M/S.R.Banumathi, Inspector of Police, All Women Police Station, Virudhunagar District, is present in Court. The *defacto* complainant



is present and the accused are also present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through M/s.R.Banumathi, Inspector of Police, All Women Police Station, Virudhunagar District.

3. The petitioners and the second respondent have filed an affidavit dated 03.03.2017, in which, it has been stated as follows:

"3. We are submit that now the 2nd respondent and we are amicably settled our issues and entered into a compromise between us. Based on that compromise the divorce petition filed by the 1st petitioner before the Sub Court, Virudhunagar in H.M.O.P.No.38 of 2013 was decreed on 03.08.2016 by granting the decree of divorce further the custody of minor child also given to the 1st petitioner in view of the order passed in G.W.O.P.No.2 of 2016, dated 20.10.2016 by the learned Additional District Judge, Virudhunagar further the 2nd respondent is also not willing to proceed further with the case, to that effect the petitioner and the 2nd respondent/defacto complainant have filed a Joint Memo of compromise.

4. We are submit that the alleged offences are non compoundable in nature, further it is well settled position of Law, if the matter is amicably settled between the parties the High Court can quash the FIR or Charge sheet in respect of the non-compoundable offence by exercising its inherent power. Hence, the petitioners and the defacto complainant having left with no other efficacious remedy except to approach this Honourable Court under Section 482 of the Code of Criminal Procedure to quash the charge sheet in C.C.No.190 of 2014 pending on the file of the Judicial Magistrate No.II, Virudhunagar."

4. In view of the affidavit dated 03.03.2017, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in C.C.No.190 of 2014, pending on the file of the learned Judicial Magistrate No.II, Virudhunagar in respect of all the accused are hereby quashed. The affidavit dated 03.03.2017 shall form part of this order. However, the petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) **each**, to the Curator, Gandhi Museum, Madurai, within a period of two weeks from today.

5. Post the matter on 05.04.2017 **"for reporting compliance"**.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar



To:

1.The Judicial Magistrate No.II,
Virudhunagar.

2.The Inspector of Police,
All Women Police Station,
Virudhunagar District.

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

+2 CC TO MR.R.RAJAMOHAN,ADVOCATE,SR NO.15151

COPY TO
The Curator, Gandhi Museum,
Madurai.

SML
MAS/RR/SAR4:24.03.2017:2P-7C

Order made in
Cr1.O.P.(MD) No.2909 of 2017
Dated: 16.03.2017