



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM

THE HON'BLE MR. JUSTICE P.N. PRAKASH
Crl.O.P. (MD) No.3259 of 2017

WEB COPY

1.Ibrahim @ Mohamed Ibrahim

2.Vaippathal

... Petitioners/Accused 1&4

-vs-

1.The STATE

Rep. by Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District
(in Crime No.78/15)

... Respondent/Complainant

2.Sehu Fathima

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the proceedings in C.C.No.156/16 on the file of the learned Judicial Magistrate, Mudhukulathur and quash the same against the petitioner alone.

For Petitioner : Mr.R.Venkateswaran

For Respondents: Mr.A.P.Balasubramani for R1

Govt. Advocate (crl. side)

Mr.S.Sabbani Karpura Jothi for R2

O R D E R

On the complaint lodged by the 2nd respondent, the first respondent police registered a case in Crime No.78/15 and after completion of investigation, had filed a final report in C.C.No.156 of 2016, before the learned Judicial Magistrate, Mudhukulathur, for offences under Sections 294(b), 323, 506 (ii) of the Indian Penal Code 4 of Tamilnadu Prohibition of Women Harassment Act, challenging which, the accused and the defacto complainant are before this Court for quashing the final report laid against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.S.Ganesamoorthy, Special Sub Inspector of Police, Sayalkudi Police Station, Ramanathapuram 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 Mr.Mr.S.Ganesamoorthy, Special Sub Inspector of Police, Sayalkudi Police Station, Ramanathapuram.

3. The petitioners and the second respondent have filed a joint compromise memo dated 06.03.2016, in which, it has been stated



as follows:

"2.It is submitted that the de-facto complainant is nothing but wife of the 1st petitioner/accused No.1. Both parties are belonging to same village. The difference arose from matrimonial dispute. At the intervention of the elders of both families, the difference between the husband and wife was solved and both of them are now living together and the defacto complainant has joined her hands with her husband's family members also and both parties are living harmoniously. In the said circumstances, the 2nd respondent/defacto complainant has agreed to get the chargesheet against the petitioners/accused quashed and in view of the same, both the parties have entered into the joint compromise and the same is filed herewith. The same may be accepted and the case may be quashed by this Hon'ble Court. To this effect, this joint compromise memo is filed."

4. In view of the joint memo of compromise dated 06.03.2016, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in CC.No.156 of 2016 on the file of the learned Judicial Magistrate, Mudhukulathur, in respect of the all the accused including those who are not before this Court, are hereby quashed. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 06.03.2016 shall form part of this order.

5.At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Karuvelam Trees.

6.Accepting the submission, the petitioners/accused are directed to pay a sum of Rs.5,000/- (Rupees one thousand only), to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai /Bench of Madras High Court, Madurai, for the purpose of removal of Karuvelam Trees, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-

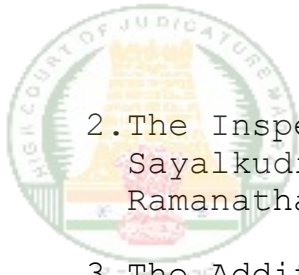
Assistant Registrar (Protocol)

/True copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate, Mudhukulathur



2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District

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

4.The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai
+1 CC to M/s.R.VENKATESWARAN, Advocate, SR No. 16605
TA/RR
PSM/RR/SAR2/19.04.2017/3P/6C

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22.03.2017