



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

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

Crl.O.P.(MD) No.3397 of 2017

1.Suthendran
2.R.Kannan
3.Kaveri
4.Krishnapriya
5.G.Balaji

: Petitioners/Accused Nos. 1 to 5

-vs-

1.State through the Inspector of Police,
All Women Police Station,
Madurai South, Madurai District.
in Crime No.23 of 2013, :1st Respondent/Complainant.

2.Rekha :2nd Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records in C.C.No.92 of 2014 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same.

For Petitioners	:	Ms.R.Meenakumari
For Respondent No.1	:	Mr.A.P.Balasubramani
		Government Advocate (Crl.side)
For Respondent No.2	:	Mr.Narayanan

O R D E R

On the complaint lodged by one Rekha/2nd respondent, the first respondent police registered a case in Crime No.23 of 2013 and after completing the investigation, has filed a final report in C.C.No.92 of 2014, before the learned Judicial Magistrate Additional Mahila Court, Madurai, for offences under Sections 498 (A), 406 and 506(ii) of the Indian Penal Code against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the proceedings in C.C.No.92 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, <https://hdservice.cma.gov.in/service> Sub Inspector of Police, Madurai South All Women Police Station, Madurai 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 Ms.T.Chandra, Sub Inspector of Police, Madurai South All Women Police Station, Madurai District.

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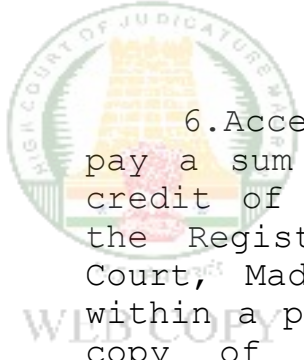
3. The petitioners and the second respondent have filed an affidavit dated 25.01.2017, in which, it has been stated as follows:

"6.I submit that in the meantime, we and the 2nd respondent had come forwarded the issue amicably between us by the elders of the betterment of our child future. The de-facto complainant is also ready to withdraw all the allegations levelled against us. These petitioners also agreed to leave the child S.R.Siddharth under the custody and care of the de-facto complainant. The de-facto complainant received a sum of Rs.2,00,000/- (two lakhs) each to her and child as one settlement towards maintenance and paid vide D.D.No.553629, 553630 dated 02.01.2017 of Union Bank, Krishnankoil Branch, Watrap and the de-facto complainant agreed that there is claim of future maintenance and the same also recorded in the C.M.A. (MD) No.513/2016 before this Hon'ble Court on 25.01.2017.

7.I submit that the 2nd respondent is ready to withdraw all the allegations levelled by her against me and my family members. In that regard, we have come forward to file this petition seeking permission of this Hon'ble Court to compound the offences contemplated in Crime no.23 of 2013 on the file of the 1st respondent and the same was culminated into chargesheet in C.C.No.92/2014 on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai pending trial. All the petitioners and the 2nd respondent have filed compromise memo before this Hon'ble Court. Continuing of trial is futile exercise."

4. In view of the affidavit dated 25.01.2017, 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.92 of 2014, pending on the file of the learned Judicial Magistrate Additional Mahila Court, in respect of all the accused are hereby quashed. The affidavit dated 25.01.2017 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 are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) each, 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.

7. Post the matter on 05.04.2017 "for reporting compliance".

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Additional Mahila Court,
Madurai

2. The Inspector of Police,
All Women Police Station,
Madurai South, Madurai District.

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

Copy to

The Registrar (Administration)
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.R. Meena kumari, Advocate, SR.No. 16998

+1CC to M/S.R. Narayanan, Advocate, SR.No. 17108

Order made in
Cr1.O.P.(MD) No.3397 of 2017

Dated: 20.03.2017

RR

AM/SKN RSK/SAR-3/04.04.2017/3P/7C