



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.3468 of 2017

1.Saravana Perumal
2.Vijaya Lakshmi
3.Buvaneswari
4.Suryaprahanatham : Petitioners /Accused Nos.1 to 4

-Vs-

1.State through
The Inspector of Police,
All Women Police Station,
Dindigul.
In Cr.No.27 of 2015 : 1st Respondent/Complainant

2.Saranya : 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to quash the proceedings in C.C.No.442 of 2016 in Cr.No.27 of 2015, on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioners : Mr.A.Arul Jennifer
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.side)
for R.1
: Mr.S.T.Sasidharan Tamilkani
for R.2

O R D E R

On the complaint lodged by second respondent, the first respondent police has registered a case in Crime No.27 of 2015 and after completing the investigation, has filed the final report in C.C.NO.442 of 2016, before the learned Judicial Magistrate No.II, Dindigul for the offences under Sections 498(A), 294(b) I.P.C. and Section 4 of Dowry Prohibition Act against the petitioners herein, for quashing which, the petitioners and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, Ms.R.Eswari, Sub-Inspector of Police, All Women Police Station, Dindigul, Dindigul District is present. The *defacto* complainant is present and all the other petitioners are 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.R.Eswari, Sub-Inspector of Police, All Women Police Station, Dindigul, Dindigul District.

3. The petitioners and the second respondent have filed a joint compromise memo dated 09.12.2016, wherein, it is stated as follows:

"2.It is submitted that after the dispute between the petitioners/accused and the respondent no:2/defacto complainant, the entire family members of both families resolved the dispute and the respondent no:2/defacto complainant has agreed to withdraw the case and also agreed to settle the dispute amicably and co-opearte the steps taken by the petitioners/accused to get the case terminated and closed. It is submitted that because of the compromise by out of court settlement between respondent no:2/defacto complainant and petitioners/accused to resolve the dispute, the proceeding on the case in question which is pending in Judicial Magistrate No.II, Dindigul in C.C.No.442 of 2016 will not be going to serve any purpose. Apart from that the entire fact of the case in matrimonial dispute and now the same is resolved through the compromise out of court. It is further submitted that the Respondent no: 2/defacto complainant has taken back all the gold jewels, silver wares, utensils and personal clothing and other articles and materials given to her at the time of marriage by her parents and the respondent no:2/defacto complainant has received the amount spent for the marriage and herein after there is no claim will be made by the respondent no:2/defacto complainant against petitioners/accused with respect to gold jewels, silver wares, utensils, personal clothing, articles and other materials and the amount spent for marriage. It is submitted that the petitioner/accused A1 and Respondent no:2/defacto complainant are educated and have taken a decision to put and end to the matrimonial relationship after mutual discussion and they are very clear and are determined to stick to their decision and the elders in the family who have tried to intervene have also got themselves convinced that the petitioner/accused A1 and respondent no:2/defacto complainant have mutually taken a decision to put an end to the matrimonial life.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The petitioner/accused and respondent no:2/defacto complainant undertake that they will not



file any other or further complaints or case against each other in respect of those issues and the compromise includes the withdrawal of all criminal and civil complaints with each other and the amicable settlement was made between them. The respondent no:2/defacto complainant submits that she has no objection to compromise the case in C.C.No.442/2016 on the file of the Judicial Magistrate No.II, Dindigul and she has no objection to quash the entire case and charge sheet filed against all the above accused.

4. In view of the above, 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 Crime No.27 of 2015 on the file of the first respondent police in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo 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.1,000/- (Rupees One Thousand 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 Seemai 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

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
All Women Police Station,
Dindigul, Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Judicial Magistrate No.II,Dindigul.
- 4.The Registrar(Administration)
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Arul Jenifer,Advocate,SR.18420

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Dated: 27.03.2017