



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

Crl.O.P.(MD)No.4392 of 2017

and

Crl.M.P.(MD)No.3146 of 2017

1.R.Ahila Rajan
2.R.Ammal
3.P.Ahila Rajam
4.P.Chandravana Murukesh : Petitioners

Vs.

1. The State of Tamil Nadu
Rep. By the Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.

2. C.S.Aruna : Respondents

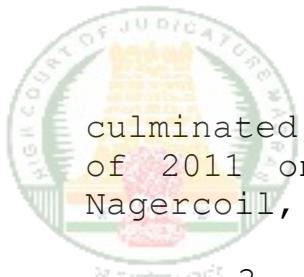
Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to quash the charge sheet in C.C.No.88 of 2011 on the file of the Judicial Magistrate No.I, Nagercoil, Kanyakumari District.

For Petitioners : Mr.E.V.N.Siva
For Respondent No.1: Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

By consent, this Criminal Original Petition is taken up for final disposal.

2. The second respondent herein is the wife of the first petitioner herein and she has lodged a complaint against the petitioners and two others, viz., Ramaiya Nadar and Narayanan for commission of the offences under Section 498 (A) of the Indian Penal Code and Sections 4 and 6 of the Dowry Prohibition Act on the file of All Women Police Station, Kanyakumari-the first respondent herein and the said complaint, after investigation, has



culminated in a charge sheet, which was taken on file in C.C.No.88 of 2011 on the file of the Court of Judicial Magistrate No.I, Nagercoil, Kanyakumari District.

3. It is brought to the knowledge of this Court that pendency of the criminal case, two accused, namely Ramaiya Nadar and Narayanan died and rest of the accused had filed this petition praying for quashment of the criminal prosecution.

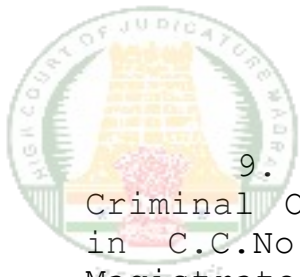
4. The learned counsel appearing for the petitioners would submit that pendency of the complaint, there is a settlement and at present, the second respondent/*defacto* complainant and her husband, namely the first petitioner/first accused started living together, by taking into consideration the welfare and carrier of their only girl child, viz., Yuvanidura, who is aged about eight years and would further add that the second respondent/*defacto* complainant is not interested in prosecuting the case and prays for quashment of the same.

5. The second respondent/*defacto* complainant is present and so also the petitioners. The second respondent/*defacto* complainant is a Post Graduate in Engineering and this Court made enquiry with her and that she would state that on her own volition, without coercion or threat, she is willing to withdraw the complaint and as on today, she is living together with her husband - the first petitioner/first accused and the decision to live with her husband is purely due to welfare and future of her only girl child, viz., Yuvanidura, who is aged about eight years and she would further add that she is no longer interested in prosecuting the criminal case. The first petitioner-the husband of the second respondent/*defacto* complainant would also submit that he will maintain the cordial relationship with his wife-the second respondent/*defacto* complainant and would also advise his relatives-petitioners 2 to 4 herein not to do anything, which may affect their marital relationship. The other petitioners, who are present, also undertake to do so.

6. Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent/State would submit that in the light of the compromise/settlement reached between the second respondent/*defacto* complainant and the petitioners/accused, no purpose would be achieved in keeping the criminal case pending.

7. The offences alleged are matrimonial offences and in the light of the settlement reached, this Court is of the view that the ends of justice would be met by quashing the proceedings.

8. The second respondent has also filed an affidavit dated 03.04.2017 to that effect, which is taken on file and recorded.



9. In the light of the above facts and circumstances, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.88 of 2011 on the file of the Court of Judicial Magistrate No.I, Nagercoil, Kanyakumari District, in respect of the petitioners are quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(p & A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Nagercoil, Kanyakumari District.
2. -do- thro The Chief Judicial Magistrate,
Kanyakumari District.
3. The Inspector of Police,
The State of Tamil Nadu
All Women Police Station,
Kanyakumari,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.E.V.N.Siva, Advocate Sr.No.51853

sml/mr

vb/kp/sar4/26.04.2017/3p/6c

Order made in
Cr1.O.P. (MD) No.4392 of 2017
Dated: 13.04.2017