



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

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THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**CRL.O.P.(MD)No.18202 of 2016andCrI.M.P.(MD)No.9070 of 2016

1.Noornisha
2.Sharmila Banu
3.Shameem Bhanu
4.Hithyathullah

: Petitioners/Accused 2 to 5

Vs.

1.State of Tamil Nadu, Rep. by
The Inspector of Police,
All Women Police Station,
Musiri,Trichy District.
(Crime No.19 of 2013).

... 1st Respondent/Complainant

2.Jabaroon Jamila

:2ndRespondent/Defacto Complainant

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records of the first respondent with regard to charge sheet laid in C.C.No.11 of 2015 on the file of the Judicial Magistrate Court, Thuraiyur and quash the same insofar as against the petitioners.

For Petitioners : Mr.V.R.Venkatesan
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (CrI.side)
For Respondent No.2 : Mr.K.Rajewaran

O R D E R

On the complaint lodged by the second respondent, the first respondent police registered a case in Crime No.19 of 2013 and after completing the investigation, has filed a charge sheet in C.C.No.11 of 2015 before the learned Judicial Magistrate, Thuraiyur, for offences under Sections 147, 498(A), 323, 354, 294 (b), 506(i) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, against Allah Pitchai and four others. During the pendency of the criminal prosecution, Allah Pitchai, the husband of the second respondent and the second respondent arrived at a compromise, pursuant to which, they entered into two agreements dated 02.09.2014 and 16.03.2015, under which, Allah Pitchai returned all the articles to the second



respondent and the second respondent also agreed that she will withdraw the case in Crime No.19 of 2013. Thereafter, Allah Pitchai filed Crl.O.P.(MD)No.17423 of 2014, before this Court for quashing the prosecution in Crime No.19 of 2013, in which, this Court passed the following order:

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"4.Both the counsel for the petitioner and the second respondent submitted that a compromise memo has been entered into between the parties on 16.03.2015 and it was duly signed by the parties and acknowledged by the counsel. However, due to mistake an order was passed on merits on 18.03.2015.

5.Learned counsel also produced the compromise memo signed by the parties. The compromise memo states that the conditions mentioned therein were duly fulfilled by the petitioner except payment of Rs.1,00,000/- to the defacto complainant. The said sum is also handed over to the counsel for the second respondent by the counsel for the petitioner in the presence of the Court. The parties are also present. Considering the same this Court is of the view that it is futile to proceed further.

6. Since the earlier order of this Court has been passed due to oversight, the order of this Court dated 18.03.2015 is recalled. The petition is allowed and the proceedings in Crime No.19 of 2013 dated 17.10.2013 on the file of the first respondent is quashed. The compromise memo shall form part of the record. Consequently, connected M.P.(MD) No.1 of 2014 is closed."

2. Now, the petitioners, who are A-2 to A-5, are before this Court for quashing the prosecution in C.C.No.11 of 2015 in Crime No.19 of 2013. Notice was served on the second respondent and she has entered appearance through advocate Mr.K.Rajeswaran.

3. Today, M/s.G.Karthik Priya, Sub-Inspector of Police, Thuraiyur All Women Police Station, Trichy District, is present in Court.

4. The learned counsel for the second respondent submitted that the second respondent and her husband had entered into a compromise and to that effect, a compromise memo dated 16.03.2015 has been filed and, therefore, the second respondent has no objection in the prosecution in C.C.No.11 of 2015 being quashed as against the accused.

<https://hcservices.ecourts.gov.in/hcservices/>

5. In view of the above, this Criminal Original Petition is allowed and the entire prosecution in C.C.No.11 of 2015 pending on



the file of the learned Judicial Magistrate, Thuraiyur, against all the accused is, hereby, quashed. Consequently, the connected miscellaneous petition is closed.

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/True copy/

Sd/-

Assistant Registrar (C.S-I)

Sub Assistant Registrar

To

1.The Judicial Magistrate, Thuraiyur, Trichy District.

2.The Inspector of Police,

All Women Police Station,
Musiri, Trichy District.

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

+1cc to M/S. V.R.VENKATESAN, Advocate SR.No.14817

Order made in
CRL.O.P. (MD) No.18202 of 2016
15.03.2017

JM/SKN RSK/24.03.2017/3P/5C