



=BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5189 of 2017

1. John Praveen
 2. Daniel Babu
 3. Mrs. Chandra Daniel Babu : Petitioners / Accused Nos.1 to 3
- Vs-
1. The State of Tamil Nadu
Rep. By the Sub-Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District. : Respondent/ Complainant
 2. Ezhil Priyadharshini : Respondent/ De-facto Complainant

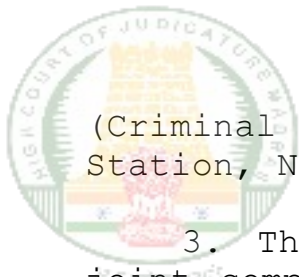
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records relating to the criminal case now pending in C.C.No.111 of 2016 on the file of Judicial Magistrate No.2, Nagercoil and quash the same as against the petitioners.

For Petitioners	: Mr.N.Dilip Kumar
For R1	: Mr..A.P.Balasubramani
	Government Advocate (Crl. Side)
For R2	: Mr.D.Saravanan

O R D E R

On the complaint lodged by one Ezhil Priyadharshini, the first respondent police has registered a case in Cr.No.3 of 2015 on 11.01.2015 for the offences under Sections 498(A), 294(b), 506 (I) of IPC and after completing the investigation charge-sheet has been filed in C.C.No.111 of 2016, on the file of the learned Judicial Magistrate, Nagercoil for the offences under Sections 498 (A), 294(b), 506 (i) of the Indian Penal Code 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, M/S.S.Geetha, WHC 372, All Women Police Station, Nagercoil, Kanyakumari District is present. The defacto complainant and the 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 M/S.S.Geetha, WHC 372, All Women Police Station, Nagercoil, Kanyakumari District.

3. The petitioners and the second respondent have filed a joint compromise memo dated 20.04.2017, wherein, it is stated as follows:

"1. It is submitted that the 1st petitioner is the husband of the 2nd Respondent. The 1st Petitioner and the 2nd respondent have settled their Matrimonial dispute amicably and they have compromised the matter. In view of the compromise, the 1st petitioner and 2nd respondent are ready to reunion and to lead a matrimonial life.

2.The 1st petitioner and the 2nd respondent here in under take that they have no dispute between them, hence the 1st petitioner withdraw the petition for Restitution of Conjugal Right against the 2nd respondent as IDOP No. 373 of 2016, which is pending before the District Judges Court of Kanyakumari at Nagercoil.

3.The 2nd respondent also under take to file an affidavit in the Quash petition filed by the petitioner's to Quash the case in Crime No : 3 of 2015 registered under Sections 498(A), 294(b), 506 (I) of the Indian Penal Code on the file of the respondent police, which is pending before the Judicial Magistrate No : II Nagercoil as C.C.No.111 of 2016. The 1st Petitioner and the 2nd respondent here by jointly agreed that they will live together with their child Janica.

4.The memorandum of Compromise arrived at the instance of well wishers of both the parties in the purpose of the 1st petitioner and the 2nd respondent."

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 C.C.No.111 of 2016 on the file of the learned Judicial Magistrate, Nagercoil in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo dated 20.04.2017 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 Seemai Karuvelam Trees.

6. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only), **each** to the ~~several~~ ^{several} ~~in~~ ⁱⁿ 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.

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/True copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar

To

1. The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.
2. The Sub-Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2cc to M/s.N.Dilip Kumar, Advocate, in SR No.54166
+1cc to M/s.D.Saravanan, Advocate, in SR No.54194

Order made in
CRL.O.P. (MD) No.5189 of 2017
Dated: 26.04.2017

am/tsg

MS-MR/12.5.2017/3P-7C