



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.19602 of 2016 and
CRL.O.P. (MD)Nos.3, 11686 and 16825 of 2017
CRL.M.P. (MD)No.9877 of 2016 & 8041 of 2017

CRL.O.P. (MD)No.19602 of 2016

1. Senthilnathan
2. Krishnaveni
3. Malliga
4. Pitchandi
5. Muthatchi @ Muthu
6. Dharumadasan
7. Nambirajan
8. Shanthi @ Nagalakshmi
9. Ganapathy
- 10.Kasilingam
- 11.Padmavathy

... Petitioners/Accused Nos.1 to 11

Vs.

1. The State represented by,
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
(Crime No.31 of 2015)

... 1st Respondent/Complainant

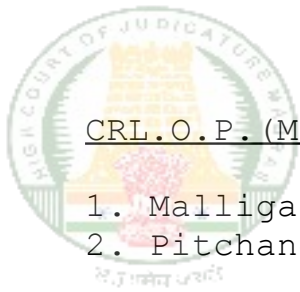
2. R.Moogambika @ Nivethitha

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records of the criminal case in C.C.No.266 of 2015 pending trial on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, in connection with First Information Report in Crime No.31 of 2015 and to quash the same by allowing the Criminal Original petition.

For Petitioners
For R-1

: M/s.D.Nallathambi
: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.
: Mr.Pethu Rajesh



CRL.O.P. (MD) No.3 of 2017

1. Malliga
2. Pitchandi

... Petitioners/Accused Nos.1 & 2

WEB COPY

Vs.

1. The State represented by,
The Inspector of Police,
Veeravanallur Police Station,
Veeravanallur,
Tirunelveli District.
(Crime No.100 of 2015)

... Respondent/Complainant

2. Moogambika @ Nivethitha ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records of the criminal case in C.C.No.147 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District, in connection with First Information Report in Crime No.100 of 2015 on the file of the first respondent police and subsequently quash the same as devoid of merits forthwith.

For Petitioners	: Mr. S.Krishnan
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.Pethu Rajesh

CRL.O.P. (MD) No.11686 of 2017

1. Senthilnathan
2. Krishnaveni
3. Malliga
4. Pitchandi
5. Muthatchi
6. Dharmadasan

... Petitioners/Respondents
Vs.

1. Moogambiga @ Nivethitha

2. Minor. Sri Niga
(Represented through her natural guardian
and her mother, namely, the first respondent)
... Respondents/Petitioners

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the complaint preferred by the first respondent bearing Number D.V.O.P.No.6 of 2017 on the



file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District and to quash the same as illegal and devoid of merits.

For Petitioners : Mr.S.Krishnan

For R-1 : Mr.P.Pethu Rajesh

CRL.O.P.(MD)No.16825 of 2017

1. Moogambika @ Nivedita
2. Brindha

... Petitioners/Accused Nos.1 & 2

Vs.

1. The Sub Inspector of Police,
Veeravanallur Police Station,
Veeravanallur,
Tirunelveli District.

... 1st Respondent/Complainant

2. Maliga

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.C.No.146 of 2016 on the file of the learned Judicial Magistrate, Cheranmahadevi and to quash the same.

For Petitioners : Mr.P.Pethu Rajesh

For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-2 : Mr.S.Krishnan

C O M M O N O R D E R

Criminal Original petition in Crl.O.P.(MD)No.19602 of 2016 is filed for quashing the Charge Sheet in C.C.No.266 of 2015 pending trial on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, in connection with First Information Report in Crime No.31 of 2015.

2. Criminal Original petition in Crl.O.P.(MD)No.3 of 2017 is filed for quashing the Charge Sheet in C.C.No.147 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District, in connection with First Information Report in Crime No.100 of 2015 on the file of the first respondent police, as devoid of merits forthwith.



3. Criminal Original petition in Crl.O.P.(MD)No.11686 of 2017 is filed for quashing the complaint preferred by the first respondent in D.V.O.P.No.6 of 2017 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District as illegal and devoid of merits.

4. Criminal Original petition in Crl.O.P.(MD)No.16825 of 2017 is filed for quashing the Charge Sheet in C.C.No.146 of 2016 on the file of the learned Judicial Magistrate, Cheranmahadevi.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police and the learned counsel appearing for the private respondents.

6. The petitioners in Crl.O.P.(MD)No.19602 of 2016 are accused Nos.1 to 11 in Crime No.31 of 2015. The petitioners in Crl.O.P.(MD) No.3 of 2017 is accused Nos.1 and 2 in Crime No.100 of 2015. The petitioners in Crl.O.P.(MD)No.11686 of 2017 are the respondents in D.V.O.P. No.6 of 2017 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District. Similarly, the petitioners in Crl.O.P.(MD)No.16825 of 2017 are accused Nos.1 and 2 in Crime No.99 of 2015.

7. On the basis of the complaint lodged by the second respondent in Crl.O.P.(MD)No.19602 of 2016, a case was registered as against the petitioners in Crl.O.P.(MD)No.19602 of 2016 in Crime No.31 of 2015 for the alleged offences under Sections 498 (A), 406, 494 of I.P.C., and Section 4 of Dowry Prohibition Act. Similarly, on the basis of the complaint lodged by the second respondent in Crl.O.P.(MD)No.3 of 2017, a case was registered as against the petitioners in Crl.O.P.(MD)No.3 of 2016, in Crime No.100 of 2015 for the alleged offences under Sections 294(b), 355, 323, 506(ii) of I.P.C., and Section 4 of T.N.P.H.W. Act. On the basis of the complaint lodged by the first respondent in Crl.O.P.(MD)No.11686 of 2017, a case in D.V.O.P.No.6 of 2017 was filed before the learned Judicial Magistrate, Ambasamudram, Tirunelveli District, under Section 12 of Protection of Women from Domestic Violence Act, 2005. Similarly, on the basis of the complaint lodged by the second respondent in Crl.O.P.(MD)No.16825 of 2017, a case was registered as against the petitioners in Crime No.99 of 2015 for the alleged offences under Sections 294(b), 324, 323 and 506 (ii) of I.P.C.

8. After registration of the complaints, the cases were taken on file in C.C.No.266 of 2015, C.C.No.147 of 2016, C.C.No.146 of 2016 and D.V.O.P.No.6 of 2017 by the learned Judicial Magistrate, Ambasamudram, Tirunelveli District.



9. It appears that the parties, namely, the petitioners and the second respondent in all the cases have settled their dispute amicably out of Court, at the intervention of the elders and relatives in the families. It is stated that the parties also have entered into a compromise pursuant to negotiations. Separate Joint Compromise Memos signed by the petitioners and the de-facto complainant in all the cases in the presence of their respective counsels are produced before this Court. As per the Joint Compromise memos, the defacto complainant in all the cases have agreed to withdraw the criminal complaints and expressed their consent to quash the criminal cases which are the subject matters of the above Criminal Original petitions. It is further represented by the parties concerned that the terms of compromise memos have been settled and acted upon.

10. Since the learned counsel for the petitioners in CrI.O.P. (MD) No.19602 of 2016 has represented that the ninth petitioner is not able to come today for justifiable reasons and that his presence may be dispensed with, this Court is inclined to accept the Joint Compromise Memo without the presence of the ninth petitioner and proceed further.

11. Today the parties, namely, the petitioners and the second respondent in all the cases except the ninth petitioner in CrI.O.P.(MD) No.19602 of 2016 appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memos on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the respondent police.

12. Having regard to the specific terms of the Joint Compromise Memos, this Court is of the view that no useful or fruitful purpose will be served by keeping these matters pending. Hence, on the basis of the Joint Compromise Memos signed by the parties, the Criminal Original petitions are allowed and the criminal proceedings in C.C.No.266 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, C.C.No.147 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District, C.C.No.146 of 2016 on the file of the learned Judicial Magistrate, Cheranmahadevi and D.V.O.P.No.6 of 2017 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District, are quashed in *toto*. The Joint Compromise Memos signed by the parties shall form part of the order. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

Encl: Xeorx copy of Compromise Memoes

1. The District Munsif cum Judicial Magistrate,
Cheranmahadevi, Tirunelveli District.

2. The Judicial Magistrate, Cheranmahadevi.

3. The Judicial Magistrate, Ambasamudram,
Tirunelveli District.

4. The Inspector of Police,
All Women Police Station,
Ambasamudram, Tirunelveli District.

5. The Inspector of Police,
Veeravanallur Police Station,
Veeravanallur, Tirunelveli District.

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

+ 2 ccs TO Mr.P.Pethu Rajesh , Advocate in SR No. 91914,91916

+ 1 cc TO Mr.S.Krishnan , Advocate in SR No. 92192

pmu

AE/KK/SAR2/30.01.2018/6P/10C

CRL.O.P.(MD)No.19602 of 2016 and
CRL.O.P.(MD)Nos.3, 11686 and 16825 of 2017
CRL.M.P.(MD)No.9877 of 2016 & 8041 of 2017
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