



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) Nos.7150 and 7151 of 2017

1.Mohamed Ali
2.Ragana
3.Abdul Raseed
4.Jawar Ali

: Petitioners in
Crl.O.P.(MD) No.7150 of 2017/Accused No. 2 to 5

Vimal Sheriff

: Petitioner in
Crl.O.P.(MD) No.7151 of 2017/Accused No.1

-vs-

1. State Rep by Inspector of Police,
K.K. Nagar (L&O) Police Station,
Trichy District.
(Crime No.389 of 2011)

:1st Respondent/Complainant
in Both Crl.O.P.s

2. Anishaa Khanham,
D/o. Abdul Kalam Azad,
No.20-A, 1st street, Renga Nagar,
K.K.Nagar, Trichy.

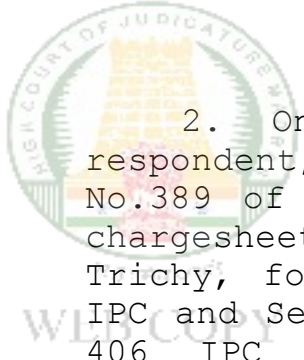
:2nd Respondent/Defacto-Complainant
inBoth Crl.O.P.s

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the entire proceedings in C.C.Nos.7 and 50 of 2015 on the file of learned Additional Mahila Court, Trichy against the petitioners.

For Petitioners in both Crl.O.P.s : Mr. T.Senthil Kumar

For Respondent No.1 in both Crl.O.P.s: Mr.K.Anbarasan
Government Advocate (Crl.side)

COMMON ORDER



2. On the complaint lodged by one Anishaa Khanham/2nd respondent, the first respondent police registered a case in Crime No.389 of 2017 and after completing the investigation has filed chargesheet in C.C.No.7/2015 before the Additional Mahila Court, Trichy, for offences under Sections 498(A), 406, 506(ii), 294(b) IPC and Section 4 of Women Harassment Act altered to 498(A) and 406 IPC against the petitioners/A2 to A5 in CrI.O.P.(MD) No.7150/2017 and one Vimal Sheriff/A1. Today, it is reported that A6 died. Vimal Sheriff is abroad. Since Vimal Sheriff was abroad, the case against him has been split up and renumbered as C.C.No.50/2015 and A1 has filed CrI.O.P.(MD) No.7151/2017. Challenging which, the accused and the *defacto* complainant are before this Court for quashing the C.C.Nos.7 and 50 of 2015 against the petitioners in both the petitions on the ground that they have arrived at a compromise.

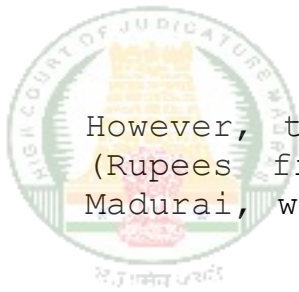
3. Today, when the matter is taken up for hearing, Ms.A.Savithri, Sub Inspector of Police, K.K.Nagar Police Station, Trichy District, is present in Court. The *defacto* complainant is present and the accused are also present except A6 and A1. The identifications of the accused were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Ms.A.Savithri, Sub Inspector of Police, K.K.Nagar Police Station, Trichy District.

4. The petitioners in CrI.O.P.(MD) No.7150/2017 and the second respondent have filed an affidavit along with a joint compromise memo dated 01.06.2017, in which, it has been stated as follows:

"It is submitted that after intervention of elder members in the family both the petitioners and 2nd respondent compromise their issue between them through out of court. Therefore, 2nd respondent agreed to receive a sum of Rs.35,00,000/- (Rupees thirty five lakhs) as one time settlement and decided to accept the pronouncement of Talak by the 1st petitioner's son namely vimal sheriff.

3.In view of compromise arrived between the parties; the 2nd respondent is not willing to prosecute the case against any of the accused in Crime No.389 of 2011"

5. In view of the joint compromise memo dated 06.06.2017, 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.Nos.7 and 50 of 2015, pending on the file of the learned Additional Mahila Court, Trichy District, in respect of all the accused are hereby quashed. The joint compromise memo dated 01.06.2017 shall form part of this order.



However, the petitioners are directed to pay a sum of Rs.5,000/- (Rupees five Thousand only), to the Curator, Gandhi Museum, Madurai, within a period of two weeks from today.

Sd/-

Assistant Registrar(Records)

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/True copy/

Sub Assistant Registrar

To:

Encl: Xerox copy of Compromise memo

1.The Additional Mahila Court, Trichy District

2.The Inspector of Police,
K.K. Nagar (L&O) Police Station,
Trichy District.

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

4.The Curator, Gandhi Museum,
Madurai.

+1 cc to Mr.T.Senthil kumar , Advocate in SR.No. 62818

RR

AE/SKN RSK/SAR3/17.07.2017/3P/6C

Order made in
Cr1.O.P. (MD) Nos.7150 and 7151 of 2017
30.06.2017