



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) No.7981 of 2017

and

Crl.M.P.(MD) No.5441 of 2017

1.Kanagaraj

2.Malliga

: Petitioners/A2 &A3

-VS-

1. State Rep by,
The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
(Crime No.23 of 2017)

: Respondent1/Complainant

2. C.Kaleeswari,
D/o.Chandrasekaran,
Poliyammanoor, Bose Street,
Neelamalaikottai Post,
Sri Ramapuram,
Dindigul-624 619.

: Respondent No.2/De-facto
Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the first information report in Crime No.23 of 2017 on the file of the Inspector of Police, All Women Police Station, Thallakulam, Madurai City and quash the same.

For Petitioners : Mr. S.Alagusundar

For Respondent No.1 : Mr.K.Anbarasan
Government Advocate (Crl.side)

O R D E R

The marriage of Kaleeswari and Karthikeyan was held on 05.06.2017 in Koodal Alagar Perumal Temple, Madurai and immediately after marriage, one Sarala came to the matrimonial home and stated that she has already married Karthikeyan and that she is his wife. When Kaleeswari questioned Karthikeyan, he



accepted the same. Therefore, on the complaint of Kaleeswari, a case in Crime No.23/2017 was registered on 08.06.2017 under Sections 495 and 506(i) IPC against Karthikeyan (A1), Kanagaraj (A2) and Malliga (A3).

2. It appears that Karthikeyan was arrested by the police and when he was produced for remand before the Additional Mahila Court, (Magisterial level), Madurai, the learned Judicial Magistrate, refused to remand the accused. During the pendency of investigation, Kanagaraj (A2) and Malliga (A3), who are the parents of Karthikeyan, have entered into a memo of compromise, under which, a sum of Rs.5 lakhs has been paid to Kaleeswari.

3. In the memo of compromise, in paragraph Nos.3 and 4, it is stated as follows:

"3..... On 13.06.2017 this Hon'ble Court was granted anticipatory bail in CrI.O.P.(MD) No.7124 of 2017. In the meantime, the elders of the both family had to try to settle the matter amicably. Thereafter both the parties entered into compromise by solving their issues amicably. Thereby they also entered into memorandum of understanding to that effect. The petitioners had agreed to pay a sum of Rs.5,00,000/- (Rupees five lakhs only) full and final settlement as life time maintenance to the 2nd respondent and the 2nd respondent is also agreed to that. Hereafter the 2nd respondent had waived her right to claim life time maintenance from the petitioners as well as the 1st accused. Therefore, further proceedings on the above said FIR is unwarranted. The 2nd respondent also does not want to proceed her complaint further.

4.The petitioners humbly submit that in view of their compromise for a peaceful future, this Hon'ble Court may be pleased to permit them to compound the offence, though the offences are not compoundable in the interest of justice."

4. Today, Kaleeswari is present and she stated that she has received Rs.5 lakhs in two installments of Rs.2.5 lakhs each. (vide Demand Draft No.020589 for Rs.2,50,000/- and cash of Rs.2,50,000/-). When questioned by this Court, Kaleeswari stated that she has no objection in the FIR being quashed even as against Karthikeyan.

5. In view of the affidavit filed along with the compromise memo dated 14.06.2017, 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 FIR in Crime No.23 of 2017 pending on the file of the respondent police in respect of all the accused is hereby quashed. The affidavit along with a



compromise memo dated 14.06.2017 shall form part of this order.
Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Co)

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/True copy/

Sub Assistant Registrar

To

Encl: Xerox copy of Compromise memo

1. The Additional Mahila Court (Magisterial level),
Madurai.
2. The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2ccs to Mr.S.Alagusundar, Advocate in SR.No.62972

RR

AE/SV/SAR2/26.07.2017/3P/6C

Order made in
Crl.O.P.(MD) No.7981 of 2017
and Crl.M.P.No.5441/2017
Dated: 30.06.2017