



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM

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

Crl.O.P.(MD) No.857 of 2017

Crl.M.P.(MD)No.736 of 2017

- 1.Jahir Hussain
- 2.Abdul Shakila
- 3.Benashir Begam

... Petitioners/Accused Nos. 1To 3

-vs-

- 1.State Rep. By the Inspector of Police,
All Women Police Station,
Dindugal District
(in Crime No.41/2016) ... Respondent/Complainant
- 2.Mrs.Anish Fathima ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records of FIR in Crime No.41 of 2016 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner	: Mr.S.M.A.Jinnah
For Respondents	: Mr.A.P.Balasubramani for R1 Govt. Advocate(Crl. Side) Mr.M.Kaushikan for R2

ORDER

On the complaint lodged by 2nd respondent, the first respondent police registered a case in Crime No.41 of 2016 for offences under Sections 294(b),498(A),506 (I) IPC & 4 of Dowry Prohibition Act 1961, challenging which, the accused and the defacto complainant are before this Court for quashing the final report laid against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Ms.A.Muthulakshmi, Inspector of Police, All Women Police Station, Dindigul District, is present in Court. The defacto complainant is present and the accused are also 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 (Crl. Side) through Ms.A.Muthulakshmi, Inspector of Police, All Women Police Station, Dindigul District.



3. The petitioners and the second respondent have filed an affidavit dated 22.02.2017, in which, it has been stated as follows:

"4. It is submitted that the petitioner No.1 is the husband, petitioner No.2 is the mother-in-law, and petitioner No.2 is the sister in law of the defacto complainant. Due to the difference of opinion arose between them the respondent No.2/defacto complainant lodged this complaint, now all the petitioners and the respondent No.2 settled their disputes amicably before their elders, family members and Jamath members, further the defacto complainant do not want to continue the criminal proceedings against the petitioner.

5. It is submitted that in these circumstances the petitioners are having no other alternative effective and efficacious remedy except to approach this Hon'ble Court by invoking the inherent power of this Hon'ble Court conferred under section 482 of Cr.P.C. to quash the FIR in Crime No.41 of 2016 on the file of the respondent No.1.

Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to record this compromise memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and thus render justice."

4. In view of the affidavit dated 22.02.2017, 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.41 of 2016, pending on the file of the respondent police, in respect of all the accused, who are not before this Court, are hereby quashed. The affidavit along with the compromise memo dated 22.02.2017 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 Karuvelam Trees.

6. Accepting the submission, the petitioners are directed to pay a sum of Rs.2,000/- (Rupees two thousand only), to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai /Bench of Madras High Court, Madurai, for the purpose of removal of 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.

Consequently connected Miscellaneous Petition is also closed.

SD/-

ASSISTANT REGISTRAR (C)



To:

Compromise memo xerox copy encl

1.The Inspector of Police,
All Women Police Station,
Dindugal District

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

COPY TO:

THE REGISTRAR (ADMIN)

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

RR

MAS/RR/SAR2:17.04.2017:3P-4C

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