



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) Nos. 22424 of 2016 and 335 of 2017
and
Crl.M.P(MD)Nos.11688 of 2016 and 312 of 2017

Crl.O.P.(MD) No. 22424 of 2016:-

1.Pushpam
2.Helan Mary(Ida)
3.Justin Thiraviyam
4.Elisabath (Elisi) ...Petitioners/Accused (A2-A5)

-Vs-

1.The State represented by,
The Sub-Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District,
(In Crime No.12 of 2016) ...1st Respondent/Complainant

2.Shani ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Cr.No.12 of 2016 on the file of the 1st respondent / complainant, namely All Women Police Station, Colachel, Kanyakumari District and quash the same.

For Petitioner :Mr.R.S.Sivaram
For R-1 :Mr.K.Anbarasan,
Government Advocate(Crl.side).
For R-2 :Mr.B.Jeyakumar

Crl.O.P.(MD) Nos. 335 of 2017:-

Edwin Cletus ...Petitioner/Accused No.1

-Vs-

1.The State represented by,
The Sub-Inspector of Police,
All Women Police Station,



Colachel,
Kanyakumari District,
(In Crime No.12 of 2016) ...1st Respondent/Complainant

2.Shani ... 2nd Respondent/De-facto Complainant

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Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Cr.No.12 of 2016 on the file of the 1st respondent / complainant, namely All Women Police Station, Colachel, Kanyakumari District and quash the same.

For Petitioner :Mr.R.S.Sivaram
For R-1 :Mr.K.Anbarasan,
Government Advocate(Crl.side).

COMMON ORDER

These Criminal Original Petitions have been filed to quash the FIR in Cr.No.12 of 2016 on the file of the first respondent police.

2.The petitioners, in both cases, are accused Nos. 1 to 5. Based on the complaint lodged by the second respondent, the case was registered in Crime No.12 of 2016, for the offences punishable under Sections 498(A) and 406 IPC, on the file of the respondent police. It appears that the first accused is the husband of the second respondent.

3.The petitioners and the second respondent in both cases have settled their dispute out of Court and a compromise was also entered into, before the Mediation and Conciliation Centre. As per the Joint Compromise Memo, it is reported that the petitioners have paid the money to the second respondent, as agreed. Since the matter was settled out of Court, a Joint Compromise Memo, signed by both parties, along with respective counsel, is filed in Crl.O.P(MD) No.335 of 2017. In Crl.O.P(MD) No.22424 of 2016, a Sworn Affidavit of the second respondent is filed, wherein, the second respondent, has stated that she has settled the dispute with her husband, namely, the first accused, and that the compromise was also reached. She has agreed that the complaint lodged by her in Cr.No.12 of 2016 on the file of the first respondent police, can be quashed.

4.Though the petitioners, in both cases, have not appeared before this Court, the statement of the de-facto complainant / second respondent is noted and compromise memo signed by the petitioners and the second respondent in Crl.O.P(MD) No.335 of 2017 is recorded. The identity of the second respondent is verified with reference to the authenticated documents produced by



the second respondent before this Court. The identity of the second respondent is also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.

5. Having regard to the compromise arrived at between both parties and the Sworn Statement of the second respondent, this Court is of the view that no useful purpose will be served by keeping these matters pending. Hence the First Information Report in Crime No.12 of 2016, on the file of the first respondent, namely, the Sub-Inspector of Police, All Women Police Station, Colachel, Kanyakumari District, is quashed in toto. The Joint Compromise Memo signed by the parties and the Sworn Statement of the second respondent shall form part of the order.

6. Accordingly, these Criminal Original petitions are allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

Encl: Xerox copy of Compromise memo

The Sub-Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.

Cmr

MAS/SKN-RSK/SAR2:12.10.2017:3P-2C

CrI.O.P. (MD) Nos. 22424 of 2016 and 335 of 2017
21.09.2017