



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) Nos.5687 and 9593 of 2016

In

CRL MP (MD) Nos.2817 to 2818 and 4818 to 4819 of 2016

Crl.O.P. (MD) No.5687 of 2016

1. Sworub.G.B.Tinku
2. G.Berlinraj
3. Esther Beula

: Petitioners / Respondents

-Vs-

Priya Sherin

: Respondent/Petitioner

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for records pertaining to the Crl.M.P.No.6485 of 2015, on the file of the Learned Judicial Magistrate No.2, Nagercoil and quash the proceedings as against the petitioners.

For Petitioners

: Mr.G.Karnan

For Respondents

: Mr.R.Murugan

Crl.O.P. (MD) No.9593 of 2016

1. Sorub.G.B.Tinku
2. G.Berlinraj
3. Esther Beula

: Petitioners / Accused No. 1 to 3

-Vs-

1. The Inspector of Police,
All Women Police Station,
Kulachaell,
Kanniyakumari District.
(Cr.No.Not Known)

: Complainant / Respondent No.1

2. Priya Sherin

: De-facto Complainant / Respondent No.2

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for records pertaining to the C.C.No.95 of 2016 on the file of the Judicial Magistrate, Eraniel and quash the same.

For Petitioners

: Mr.A.Sankara Ramasubramanian

For Respondents

: Mr. A.P.Balasubramani,

Government Advocate for R.1

**COMMON ORDER**

On the complaint lodged by second respondent, the first respondent police has registered a case in Crime No.44/2015 and after completing the investigation, has filed the final report in C.C.NO.95 of 2016, before the learned Judicial Magistrate, Eraniel, Kanniyakumari District for the offences under Sections 498(A), 406 I.P.C. and Sections 3, 4, 6 of Dowry Prohibition Act and Section 4 of TNWPH Act, against the petitioners herein, for quashing which, the petitioners and the defacto complainant are before this Court by filing Crl.O.P.(MD)No.9593 of 2016 on the ground that they have arrived at a compromise.

2. It is also seen that the defacto complainant has initiated proceedings in Crl.M.P.No.6485 of 2015 before the learned Judicial Magistrate No.II, Nagercoil under the Domestic Violence Act against the petitioners herein, for quashing which, the petitioners and the defacto complainant are before this Court by filing Crl.O.P.(MD)No.5687 of 2016 on the ground that they have arrived at a compromise.

3. Today, when the matter was taken up for hearing, Ms.Yeshotha, Head Constable-628, All Women Police Station, Kulachael, Kanniyamumari District is present. The defacto complainant is present and all the other petitioners are 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 (Criminal side) through Ms.Yeshotha, Head Constable-628, All Women Police Station, Kulachael, Kanniyamumari District .

4. The petitioners and the second respondent have filed a joint compromise memo dated 03.04.2017, wherein, it is stated as follows:

"3. I humbly submit that pending the said proceedings my family as well as the petitioners family sit together along with the elderly peoples of both families and settle the dispute amicably due to that myself and the first petitioner had given consent for mutual divorce. Further I submit that the petitioners settled the entire amount as well as gold Jewells to me which was given by my parents at the time of marriage. Hence, in this circumstances, since, the petitioners settled the entire issues. Hence, I am not willing to proceed the case further which is pending in C.C.No.95 of 2016 on the file of the Judicial Magistrate, Eraniel.

<https://hcservices.ecourts.gov.in/hcservices/> therefore prayed that this Hon'ble Court may be pleased to record the present affidavit filled by me along with Memo of Compromise and consequently



and to quash the proceeding in C.C.No.95 of 2016 on the file of the Judicial Magistrate, Eraniel and thus render Justice."

5. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, both the petitioners allowed and the entire proceedings in Crime No. 44/2015 on the file of the first respondent police and the proceedings in Crl.M.P.No.6485 of 2015, on the file of the learned Judicial Magistrate No.II, Nagercoil in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo dated 03.04.2017 shall form part of this order. Consequently, the connected Miscellaneous Petitions are closed.

6. 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.

7. Accepting the submission, the petitioners are directed to pay a sum of Rs.3000/- (Rupees Three Thousand only) each, 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 Seemai 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.

sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II, Nagercoil
 2. The Inspector of Police,
All Women Police Station,
Kulachael, Kanniyakumari District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
 4. The Judicial Magistrate, Eraniel.
 5. The Registrar(Admin),
Madurai Bench of Madras High Court, Madurai.
- +2 cc to Mr.G.Karnan, Advocate, SR.Nos.50551,50552
+2 cc to Mr.R.Murugan, Advocate, SR.Nos.50586,50587

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