



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

WEB COPY

THE HONOURABLE JUSTICE. MR. P.N.PRAKASH

Crl.O.P. (MD) No.3378 of 2017

Esakki @ Karthick ...Petitioner/sole Accused

Vs.

01.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi
Thoothukudi District.
(Crime No.914/2016) ..1st Respondent/Complainant

02.Uma Shanthi ..2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying to quash the proceedings in Crime No.914/2016 on the file of the 1st respondent.

For Petitioner : Mr.S.Muthumalairaja

For Respondent 1 : Mr.A.P.Balasubramani
Government Advocate (Crl. side)

ORDER

On the complaint lodged by one Uma Shanthi/2nd respondent, the first respondent police registered a case in Crime No.914 of 2016 for offences under Sections 294(b), 324 of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women ACT against the petitioner, challenging which, the accused and the *defacto* complainant are before this Court for quashing the case in Crime No.914 of 2016 against the petitioner on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.A.Annamalai, Special Sub Inspector of Police, North Police Station, Thoothukudi District, is present in Court. The *defacto* complainant is present and the accused is 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 (Criminal side) through Mr.A.Annamalai, Special Sub Inspector of Police, North Police Station, Thoothukudi



District.

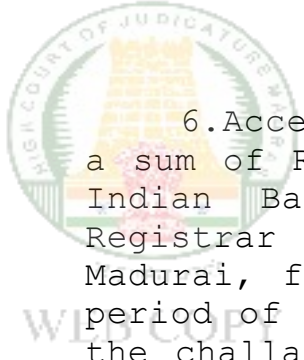
3. The petitioner and the second respondent have filed an affidavit dated 12.02.2017, in which, it has been stated as follows:

"2.I submit that according to the prosecution case, I gave a complaint before the respondent police as against the petitioner allegation as allegation as against the petitioner is that now I am working at Malliha residence, previously I was working at Sathiya Hotel at that time I met the petitioner. Both of them developed the friendship but the petitioner's family did not accept me. On 28.11.2016 at about 11.30 night hours the petitioner came to my house and requested to marry me. But I refused the same, hence, he provoked using filthy language and attack caused injury and gave some harassment to me. My father and mother knew about the occurrence. Thereafter I gave the complaint before the respondent police and the same was registered on 29.11.2016 against the petitioner in crime no.914/2016 under sections 294 (b), 324 of IPC and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

3.I submit that now we amicably settle the matter since we are intending separately to start our matrimonial life peacefully. Because of the pendency of the above criminal case, our peaceful life would suffer. On occurrence day, the petitioner has no motive or malice intention against me. Now we amicably settle our problems out of the court. Now the complaint given by me is pending in crime No.914/2016 on the file of the 1st respondent which is registered under section 294(b), 324 IPC and section 4 of TN prohibition of harassment of women act 2002. As stated supra, the pendency of the crime No.914/2016 is unnecessary and the same has to be quashed in the light of the above circumstances."

4. In view of the affidavit dated 12.02.2017, 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 entire proceedings in Crime NO.914 / 2016, pending on the file of the respondent police, in respect of all the accused are hereby quashed. The affidavit dated 12.02.2017 shall form part of this order.

5.At the instance of the learned counsel for the petitioner, the petitioner himself voluntarily came forward to contribute some amount for the purpose of removal of Karuvelam Trees.



6. Accepting the submission, the petitioner is directed to pay a sum of Rs.1,000/- (Rupees one 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.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi
Thoothukudi District.

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

Copy to:

The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.S.Muthu Malai Raja , Advocate in SR.No. 17221

RR

AE/RR/SAR3/17.04.2017/3P/5C

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