



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.09.2018

CORAM
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20518 of 2011
and
Crl.M.P.No.1 of 2011

Maheswari,
W/o.Sivakumar

... Petitioner/Accused-4

Vs.

1.State by Inspector of Police,
All Women Police Station,
Nannilam, Thiruvarur District,
(Crime No.9 of 2010).

...Respondent/Complainant

2.Divya,
W/o.Gowri Shankar.

...Respondent/Defacto-Complainant

(2nd respondent/defacto-complainant is impleaded as per order in Crl.M.P.No.9692 of 2018 in Crl.O.P.No.20518 of 2011 dated 24.08.2018)

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.68 of 2011 on the file of the District Munsif and Judicial Magistrate Court, Nannilam and to quash the same.

For Petitioner : Mr.R.Rajjarathinam

For 1st Respondent : Ms.V.Saratha Devi,
Government Advocate [Crl. Side]

For 2nd Respondent : No Appearance
* * * * *

O R D E R

This Criminal Original Petition is filed by the petitioner herein Maheswari, who is the 4th accused facing trial in C.C.No.68 of 2011 pending on the file of the District Munsif and Judicial Magistrate Court, Nannilam for offence under sections 498-A and Section 4 and 6 of the Dowry Prohibition Act has filed the above quash petition.



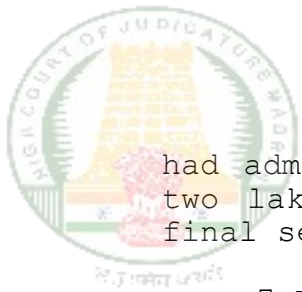
2.The case of the prosecution is that, the marriage between the first accused and the second respondent/defacto-complainant on 20.02.2009 had taken place at Nehru Nagar, Karaikal. During the marriage, due to the adamant attitude of the accused Nos.2 to 4, the defacto-complainant was forced to get 40 sovereign gold, 10 sovereign for bride groom and Rs.50,000/-[Rupees fifty thousand] for "Shreedhana" articles and Dowry of Rs.1,50,000/-[Rupees one lakh fifty thousand only].

3.After 15 days of the marriage, the accused Nos.1 to 4 and the defacto-complainant were residing as joint family and were demanded more Dowry and subjected the defacto-complainant to cruelty, for which, the 2nd respondent/defacto-complainant had preferred a complaint on 09.08.2000 before the All Women Police Station, Thiruvarur, after completion of investigation, the first respondent filed charge sheet which was taken on the file of the District Munsif and Judicial Magistrate Court, Nannilam as C.C.No.68 of 2011.

4.The 1st accused Gowrishankar is the husband, 2nd accused Kowsalya is the mother-in-law, 3rd accused Kaliyaperumal is the father-in-law and 4th accused Maheswari is the Sister-in-law of the defacto-complainant.

5.This Criminal Original petition has been filed by the 4th accused claiming that, she was married in the year 2006 much before the marriage of the 2nd respondent and after the marriage she has been residing in Chennai along with her husband and in laws and therefore she had not resided at Karaikal, when the alleged offence of cruelty is said to have committed to the defacto-complainant. Since the matter was pending for a long time, this Court directed the first respondent/police to ascertain, whether the case is still pending before the trial Court since the learned counsel for the petitioner is unable to ascertain the pendency of the case. Further, the private notice to the defacto-complainant had returned as refused.

6.Now today i.e., on 24.09.2018, the police present and the learned Government Advocate [Crl.Side] submits that the dispute between the defacto-complainant and the first accused has been resolved and in proof of the same, produced the joint family compromise memo filed in M.O.P.No.23 of 2014 before the learned District Judge, Karaikal. From the joint compromise memo it is seen that both the first accused and the defacto-complainant had admitted that their marriage was held on 20.02.2009 and that they have decided to settle the dispute amicably between them. As a result, both of them consented to dissolve their marriage held on 20.02.2009. Further all the jewels and belongings to the defacto-complainant have been handed over and there is no subsisting claim between them. Further the defacto-complainant



had admitted about the receipt of Rs.22,00,000/- (Rupees twenty two lakh only) as alimony towards 18.12.2010 towards full and final settlement.

7. Based on the compromise memo, it is found that their marriage was dissolved and they are living separately and happily. It is further submitted that the issue between the defacto-complainant and the first accused have been amicably settled resolving their differences.

8. In view of the above compromise memo and on the assertion by the police of the fact, this Court finds that the continuation of the proceedings against the petitioner would amount to an abuse of process of law.

9. This Criminal Original Petition stands allowed and this Court quashed the complaint not only against the petitioner and also against the other accused, since, it is a matrimonial dispute and other accused are the brother, father and mother of the petitioner. Hence, C.C.No.68 of 2011 pending on the file of the District Munsif and Judicial Magistrate Court, Nannilam is quashed and consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif and Judicial Magistrate,
Nannilam,
Thiruvavarur.

2. The Inspector of Police,
All Women Police Station,
Nannilam, Thiruvavarur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ramachandran, Advocate, S.R.No.66910

Cr1.O.P.No.20518 of 2011

rrs 23/11/2018