



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP[MD]No.23104 of 2015
and
M.P.(MD)No.1 of 2015

1.S.Ganesh
2.S.Ponisakki

... Petitioners/Accused No.1&2

Vs.

1.State represented by Inspector of Police,
All Women Police Station, Srivaigundam,
Tuticorin District,
(Crime No.14 of 2015) ...Respondent / Complainant

2.S.Manickathaai ... Respondent/ De facto Complainant

PRAYER: Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge Sheet in C.C.No.435 of 2015 on the file of the learned Judicial Magistrate, Srivaigundam in Crime No.14 of 2015, dated 22.07.2015 on the file of the first respondent police for alleged offence under Sections 498(A), 294(b), 313 and 315 of IPC and Section 4 of Dowry Prohibition Act and quash the same as illegal.

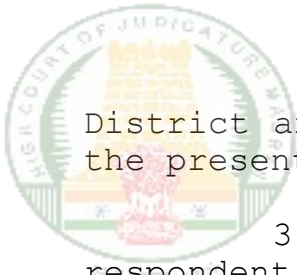
For Petitioners : Mr.T.Lajapathi Roy

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.side)

O R D E R

This petition is filed to quash the charge sheet in C.C.No.435 of 2015 on the file of the learned Principal District and Sessions Court, Thoothukudi, in Crime No.14 of 2015, dated 22.07.2015.

2.The learned counsel for the petitioner submits that the petitioner and the defacto complainant got married in the year 2013 and thereafter, they lived separately. Due to family dispute, the defacto complainant lodged a complaint before the respondent police. Based on the complaint lodged by the second respondent, against the petitioners, the first respondent had filed a final report for the offence under Sections 498(A), 294(b), 313 and 315 IPC and Section 4 of Dowry Prohibition Act which is pending trial before the Principal



District and Sessions Court, Thoothukudi. Aggrieved over the same, the present petition has been filed.

3.The learned Government Advocate (Crl.side) for the respondent police submitted that the investigation in crime No.14 of 2015 on the file of the first respondent, has been completed and the respondent No.1 laid the charge sheet before the learned Principal District and Sessions Court, Thoothukudi and the same was taken on file in C.C.No.435 of 2015. He further submitted that in this case, the trial has been commenced and P.W.1 to 5 were examined as prosecution witnesses.

4.The petitioners and the defacto complainant are present. They have admitted the compromise. Both of them are responsible persons. The first petitioner is working in the army and the defacto complainant is working in the police department.

5.It appears that the parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, compromise memo is filed, wherein, it is stated that the issue has been amicably settled between them outside the Court. As per the Joint Compromise Memo, the defacto complainant, namely, the second respondent has no objection to quash C.C.No.435 of 2015.

6.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the charge sheet in C.C.No.435 of 2015, on the file of the Principal District and Sessions Court, Thoothukudi, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, the Criminal Original petition is allowed. Consequently, connected M.P.(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-II)

rmi

Enclose: Xerox copy of joint compromise memo

To

1.The Principal District and Sessions Judge, Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Judicial Magistrate , Srivaikundam.



3.The Chief Judicial Magistrate, Tuticorin.

4.The Inspector of Police,
All Women Police Station, Srivaigundam,
Tuticorin District,

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

+2cc to Mr.T.Lajapathi Roy, Advocate in SR No.96298 and21896

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NM/SV/SAR II/23.11.18/3P/8C.