



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.[MD].Nos.10168 of 2017 and 17947 of 2018
and Crl.M.P.(MD).Nos.6945 of 2017 and 4536 of 2018

Saravanan @ Saravanakumar : Petitioner/Accused No.5 in
Crl.O.P.[MD].No.10168 of 2017

1.Santhakumar

2.Muthusanthiran @ Chandran

3.Maheswari

4.Hemasri @ Hema

5.Pasgaran @ Baskaran : Petitioners/Accused No.1,2,3,4 & 6
in Crl.O.P.[MD].No.17947 of 2018

-Vs.-

State rep. by its:

1.The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
(Crime No.4 of 2017)

: 1st Respondent/Complainant in
both petitions

2.M.S.Keerthana

: 2nd Respondent/Defacto Complainant
in both petitions

COMMON PRAYER : Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for records relating to the FIR in Crime No.4 of 2017 on the file of the 1st respondent and quash the same.

For Petitioner

: Mr.M.Subash Babu

For Respondents

: Mr.K.Suyambulinga Bharathi for R1
Government Advocate [Criminal Side]
in both petitions

Mr.S.M.Sanjay for R2 in
Crl.O.P.[MD].No.10168 of 2017

Mr.P.Maheswaran for R2 in
Crl.O.P.[MD].No.17947 of 2018

COMMON ORDER

Crl.O.P.[MD].No.10168 of 2017 has been filed by the brother-in-law and Crl.O.P.[MD].No.17947 of 2018 has been filed by the husband of other-in-laws.

2.During the pendency of these cases, the parties have entered into the compromise. The first petitioner/husband and the defacto complainant have filed a joint memo of compromise dated 20.09.2018 before this Court in Tr.C.M.P.(MD).No.187 of 2018. This Court took note of the joint memo filed by the parties and passed the following order:-



"2. When the matter was taken up for hearing, the learned counsel on either side, submitted that the parties have amicably resolved the disputes between themselves and decided to go their separate ways. They also filed a joint memo of compromise dated 20.09.2018 before this Court. The said joint compromise memo is not only signed by the parties, but also the learned counsel on either side. The parents of the parties have also affixed their signatures. Both the petitioner namely, Keerthana and the respondent namely, Santhakumar are present before me in person. The respondent handed over a demand draft bearing No.014276 dated 19.09.2018 drawn on IDBI Bank in favour of the petitioner herein to the petitioner. It is for a sum of Rs.20,00,000/-[Rupees Twenty Lakhs only].The petitioner received the said demand draft for the said sum of Rs.20,00,000/- in my presence. The receipt of the demand draft by the petitioner is also recorded.

3. It is also agreed that all the articles belonging to the petitioner have been returned by the respondent. The parties have also agreed that they have no further claims against each other. The petitioner has also undertaken to withdraw her complaint given against the respondent herein in this regard. CrI.O.P.(MD)No.10168 of 2017 has been filed by brother-in-law of the respondent herein. The petitioner undertakes to extend her co-operation for quashing of the said criminal case.

4. Since the petitioner is working in a Software Company, Chennai, and the respondent is working in Singapore, this Court is of the view that it is not necessary to relegate the parties to go before the Family Court, Madurai, for securing divorce by mutual consent. It is evident that the marriage between the parties has irretrievably broken down. The respondent, who is present before me in person, is withdrawing all the allegations levelled against the petitioner herein in H.M.O.P.No.225 of 2017. Accordingly, H.M.O.P.No.225 of 2017 is withdrawn from the file of the Family Court, Madurai, and the same is converted into a petition under Section 13 B of the Hindu Marriage Act, 1955. The marriage between the parties stands dissolved by mutual consent."

3.Even before this Court a joint memo has been filed by the parties and it has been specifically stated that the second respondent does not have any objection to quash the complaint in Crime No.4 of 2017.

4.The learned counsel appearing for the second respondent would also submit that the parties have entered into a compromise and this criminal proceedings can be closed.



5. In view of the above, F.I.R in Crime No.4 of 2017 on the file of the first respondent police is hereby quashed and the Criminal Original Petitions are allowed in terms of the joint memo filed by the parties dated 03.10.2018. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (Accounts)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2CC to Mr.M.Subash Babu, Advocate, SR.No.89478, 87479

Cr1.O.P.[MD].Nos.10168 of 2017
and 17947 of 2018
05.10.2018

TM
ES/SV/SAR 1/02.11.2018/3P/5C