



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].Nos.17880 of 2017 and 18415 of 2018
and

Crl.M.P. (MD)Nos.11656, 11657 of 2017 and 8228 of 2018

1.Kavin
2.Satheesh : Petitioners in
Crl.O.P. (MD)No.17880 of 2017

3.S.Prem Sundar : Petitioner in
Crl.O.P. (MD)No.18415 of 2018

Vs.

1. The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

2. Megiba Jasmin : Respondents in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C to call for the records in C.C.No.124 of 2015 on the file of the Judicial Magistrate Court No.II, Nagercoil and to quash the same as against the petitioners.

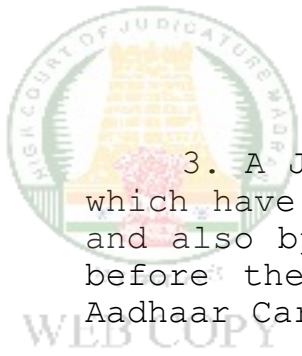
For Petitioners : Mr.S.C.Herold Singh
(in both Crl.O.Ps)
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

For R-2 : Mr.K.A.Thirumalaiappan
(in both Crl.O.Ps)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.124 of 2015 on the file of the learned Judicial Magistrate No.II, Nagercoil for an alleged offences under Sections 406, 498(A) and 506(i) of IPC and Sections 4 and 6 of Dowry Prohibition Act.

2. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



3. A Joint Memo of Compromise have been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The parties were also present before the Court and they have also produced the copies of the Aadhaar Card which are made part of the record.

4. The defacto complainant was also present in the Court and stated that she is now living with her husband happily and therefore, does not want to proceed further in this case.

5. Taking into consideration the fact that the first petitioner's brother and the defacto complainant had joined together, this Court does not find any ground to continue with the proceedings pending before the Court below.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.124 of 2015.

7. These Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C.No.124 of 2015, on the file of the learned Judicial Magistrate No.II, Nagercoil, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

Encl : Xerox copy of Joint Compromise
dated 28.09.2018

To

1. The Judicial Magistrate No.II, Nagercoil.
2. The Chief Judicial Magistrate, Kanniyakumari at Nagercoil.
3. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanniyakumari District.



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

+1 CC to Mr.S.C.Herold Singh, Advocate, SR.NO.90590

Cr1.O.P.[MD].Nos.17880 of 2017 and 18415 of 2018
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TR(26.04.2019) 3P 6C