



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.11286 of 2018

1.Jeyaprakash
2.Kodiraj
3.Jeyakodi
4.Mokkaraj
5.Vasanth

.. Petitioners/Accused 1 to 5

vs.

1.State rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai
Sivagangai District.
Crime No.4 of 2018.

.. Respondent/Complainant

2.Kodeeshwari

.. Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records relating to the impugned FIR in Crime No.4 of 2018 on the file of the Inspector of Police All women Police Station, Manamadurai, Sivagangai District and quash the same.

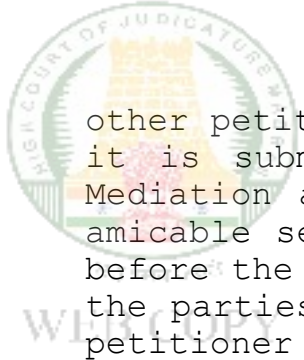
For Petitioners	:	Mr.D.Anbarasu
For R1	:	Mr.Prabhu Ramachandran
		Government Advocate (Crl.Side)
For R2	:	Mr.M.Perumal

O R D E R

This petition has been filed seeking to quash the FIR in Crime No.4 of 2018 pending on the file of the first respondent police.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.4 of 2018 for the offence under Sections 496, 204, 506(2) and 376 IPC against the petitioners/accused Nos.1 to 5 and in order to quash the same, the petitioners are before this Court by filing the present petition.

3.According to the petitioners, the first petitioner has married the second respondent/defacto complainant before registration of the present case in Crime No.4 of 2018. The petitioners 4 and 5 are the parents of the first petitioner and the



other petitioners are the relatives of the first petitioner. Further it is submitted that this Court has referred the matter to the Mediation and Conciliation Centre attached to this Bench to effect amicable settlement between the parties. Both parties have appeared before the Mediation and Conciliation Centre and the dispute between the parties has been settled. Thereafter, the marriage of the first petitioner and second respondent has been registered before the Marriage Registrar/Joint Sub Registrar, Madurai North on 23.04.2018 and to that effect marriage certificate has also been produced. At this stage, both the parties have come before this Court seeking to quash the FIR in Crime No.4 of 2018, on the ground that they have arrived at compromise.

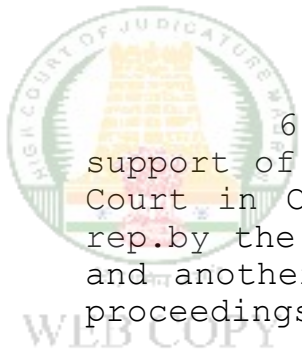
4.Today, when the matter was taken up for hearing, M/s.Arul Rosy, the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District is present. The defacto complainant and the petitioners are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through M/s.Arul Rosy, the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

5.The petitioner has filed a joint memo of compromise on 04.07.2018 along with the present quash petition, wherein, it is stated as follows:

"whereas the 2nd respondent herein already married the 1st petitioner before registering the FIR and further this Hon'ble Court referred the case in CrI.O.P(MD) No.4878 of 2018 before the Mediation and Conciliation Centre, Madurai High Court and both the parties appeared and resolved not to proceed with the criminal case in the trial any further either against the petitioner in further also, and the marriage was also registered before the Joint Sub Registrar, Madurai North on 23.04.2018.

Whereas in the light of the above compromise, the parties hereto shall not claim with regard to in this criminal case also. The 2nd respondent is not interested to proceed with the criminal case in Crime No.4 of 2018 on the file of the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District against the petitioners.

The 2nd respondent undertakes to not interested to proceed with the criminal case further any at any point of time against the petitioners herein. Therefore, the 2nd respondent was agreed to quash the proceedings in Cr.No.4 of 2018 on the file of the the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District against the petitioners..."



6.The learned counsel appearing for the petitioners, in support of his contention, has relied upon the order passed by this Court in Crl.O.P.No.7561 of 2017 [Suresh and others Vs. The State rep.by the Inspector of Police, All Women Police Station, Valliyoor and another] dated 20.06.2017, wherein, this Court has quashed the proceedings for the offence under Section 376 IPC.

7.Even though the offence under Section 376 IPC involved in the present case is non-compoundable in nature, considering the fact that now the second respondent/defacto complainant have got married and now they are living happily and second respondent/defacto complainant has also no objection to quash the case in Crime No.4 of 2018 and to that effect a joint compromise memo has also been filed on 04.07.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in Crime No.4 of 2018 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 to 5 are hereby quashed.

8.Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 04.07.2018 shall form part of this order.

9.In this case, the learned counsel appearing for the petitioners submitted that the petitioners are willing to contribute some amount to the District Legal Services Authority, Dindigul under the Head "Environmental Fund" to preserve the environment. Hence, each petitioner is directed to remit a sum of Rs.1,000/- (Total sum of Rs.5,000/-) as costs within a period of two weeks from the date of receipt of a copy of this order, by way of an individual/collective Demand Draft drawn in favour of the District Legal Services Authority, Dindigul who shall receive the said amount as "Environmental Fund" and make use of the said amount for the purposes mentioned in the order passed by this Court in CRP (NPD) No.1643 of 2010 on 20.06.2018 [D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others]. A report in this regard shall be sent by the District Legal Services Authority, Dindigul to the Member Secretary, Tamil Nadu State Legal Services Authority, Chennai, mentioning clearly the amounts spent towards the purposes mentioned in the above order and the balance amount left etc.,

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Inspector of Police,

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

All Women Police Station,

Manamadurai, Sivagangai District.



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

3.The Member Secretary, Tamil Nadu State
Legal Services Authority, Chennai.

4.The District Legal Services Authority,
Dindigul.

+1cc to M/S.D.Anbarasu, Advocate SR.No. 74082

Cr1.O.P.(MD) No.11286 of 2018

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JM/SKN RSK/SAR 3/07.08.2018/4P/6C