



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1481 of 2019

1 R.THENNARASU
2 P.KALAISELVI

... PETITIONERS/ ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT.
CRIME NO.NOT KNOWN OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.K.GOPALAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervener : MR.R.ANAND, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498a, 294b, 506(ii) and 406 I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Cr.No.Not Known of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife. Their marriage was solemnized on 18.05.2018. Thereafter, the defacto complainant was harassed by the petitioners for demanding more dowry. Due to incompatibility between the first petitioner and the defacto complainant, they live separately. Thereafter, the defacto complainant filed a present complaint before the respondent police against the petitioners.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that earlier this case was referred to the Mediation and the Mediation was succeeded and thereafter, both the parties arrived at compromise. The terms of the joint compromise memo are as follows:-

"1. The petitioners and the second respondent would jointly submit that the marriage between the first petitioner and the second respondent had been solemnized on 18.05.2018 according to Christian rite and customs. Though the marriage had been an arranged marriage, difference of opinion between them had grown leaps and bounds. Number of attempts made to console the same ended in vain.

2. The petitioners and the second respondent would jointly submit that the situation that has been prevailed at that point of time had made the second respondent to approach the first respondent police and made a criminal complaint. When it has been pending, the petitioners have approached this Court in which before the mediation an amicable settlement has been arrived at between them on the following terms:

a) both parties shall not make any complaint as against each of them respondent and her relatives in connection with her marriage.

b) both parties shall not make any communication whatsoever either verbally or through any kind both side.

c) both parties shall not claim any right whatsoever from the property either movable or immovable and they cannot seek for any relief both side inclusive of compensation.

d) the second respondent has to part with a sum of Rs.2,10,000/- through demand draft in the name of the first petitioner Rs.1,05,000/- and second petitioner Rs.1,05,000/- and cash in hand Rs.20,000/- which amount is said to have been spent by them as marriage expenses.

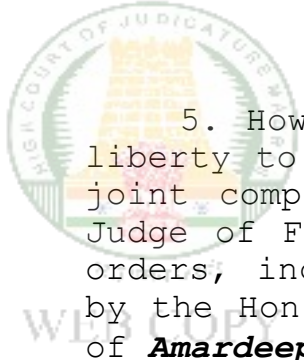
e) the second respondent has to withdraw the criminal complaint which is being under enquiry with the first respondent.

f) in view of the mutual settlement which resulted in the marital separation, the second respondent is deprived of in getting the maintenance as well as other reliefs including compensation from the first petitioner.

g) the first petitioner and the second respondent have to extend their fullest co-operate by being present before the Court concerned while moving the divorce petition by them on the ground of mutual consent so as to ensure that the same is allowed by waiving the "Cooling" period.

h) it is made clear that violation of any of the said condition by any party of this proceeding would be amounting to an offence punishable under the provisions of contempt of Courts Act."

4. In view of the joint compromise memo arrived between the parties, this Criminal Original Petition is closed.



5. However, the petitioners and the defacto complainant are at liberty to file a petition before the Family Court in terms of the joint compromise memo. If the application is filed, the learned Judge of Family Court may consider the matter and pass appropriate orders, including the cooling period, as per the decision rendered by the Hon'ble Apex Court reported in **(2017) 8 SCC 746** in the case of **Amardeep Singh Vs. Harveen Kaur** and the judgment of this Court in **C.M.A.No.237 of 2017 (R.Ayyapparaj Vs. Naveena)**.

sd/-
13/02/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI DISTRICT
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1 CC to Mr.R.ANAND, Advocate SR No. 3014
+1 CC to Mr.T.K.GOPALAN, Advocate SR No.3099

ORDER
IN
CRL OP(MD) No.1481 of 2019
Date :13/02/2019

MSI/VR/SAR-II/14.02.2019-3P/5C