



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2019
CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

WEB COPY

Cr1.O.P.No.5484 of 2019

1.Sureshkumar
2.Alagarsamy
3.Gopalakrishnan

.. Petitioners/A1 to A3

Vs

1. State Rep. by
The Inspector of Police,
All Women Police Station,
Karaikudi
Sivagangai District.
(Crime No.14 of 2015)

..1st Respondent/Complainant

2. R.Sangeetha

.. 2nd Respondent/Defacto Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.212 of 2015 pending on the file of the learned Principal District Munsif-Cum Judicial Magistrate, Karaikudi and quash the same in so far as this petitioner is concerned.

For Petitioners : M/s.A.Banumathy

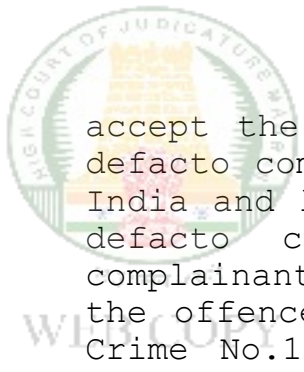
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

For R2 : Mr.K.M.Karunakaran

O R D E R

The Criminal Original Petition has been filed to quash the C.C.No.212 of 2015 pending on the file of the learned Principal District Munsif-Cum Judicial Magistrate, Karaikudi.

2. The first petitioner is the husband of the defacto complainant and the second petitioner is the father-in-law and the third petitioner is the brother of A2. The first petitioner had love affair with the defacto complainant and marriage was performed on 15.04.2013 before the Sub Register, Karaikudi. After marriage, the first petitioner went to abroad for the purpose of his employment and he informed that the defacto complainant that he will convince his parents and take the defacto complainant to the petitioner's house. But the parents of the first petitioner did not



accept the marriage and the first petitioner and did not take the defacto complainant to the matrimonial home. Thereafter, he came to India and live with defacto complainant. He demanded dowry from the defacto complainant and harassed her. Thereby, the defacto complainant lodged a complaint before the Law Enforcing Agency for the offences under Sections 498(A) of IPC and 407 of TNPWH Act in Crime No.14 of 2015. After completing the investigation, the Law Enforcing Agency filed a final report in C.C.No.212 of 2015 before the learned Principal District Munsif-Cum Judicial Magistrate, Karaikudi.

3. 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.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copy of the Aadhaar Card which is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police has no objection and Mr.S.Larance Arul raj, Special Sub-Inspector of Police, identified the parties, who appeared before this Court.

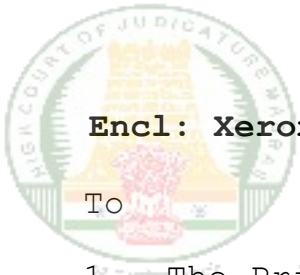
6. Under such circumstances, no useful purpose will be served in keeping the trial pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the C.C.No.212 of 2015.

7.This Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.212 of 2015 before the learned Principal District Munsif-Cum Judicial Magistrate, Karaikudi. is quashed. Each of the petitioner shall pay a sum of Rs.1,000/- as costs, to the credit of the "Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench) within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /



Encl: Xerox copy of Joint Compromise Memo

To

1. The Principal District Munsif-Cum Judicial Magistrate,
Karaikudi.

2. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

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

Copy To:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-60691[F] dated 12/04/2019)

Cr1.O.P.No.5484 of 2019

ES/09.05.2019/3P/6C