



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.A(MD)No.86 of 2014

Thanga Aruna ... Appellant / De facto complainant

Vs.

1.The State Represented by
The Inspector of Police,
All Women Police Station,
Alankulam, Tirunelveli District.

2.Jeevanantham

3.Ponnusami Nadar

4.Popathiammal

5.Kasthuri @ Kaniyammal

6.Karuthapandian Nadar

7.Ravikumar

8.Vijayalakshmi

9.Biranthadevi

10.Poosaipandi ... Respondent/ Complainant

PRAYER: Appeal filed under Section 372 of the Code of Criminal Procedure, to set aside the order passed in Cr1.Appeal No.152 of 2010 on the file of the Additional Sessions cum Fast Track Court II, Tirunelveli acquitting the accused in CC.No.68 of 2015 on the file of the learned Judicial Magistrate, Tenkasi and allow this appeal.

For Appellant : Ms.L.Victoria Gowri

For Respondent : Mr.K.K.Ramakrishnan,
No.1 Additional Public Prosecutor

For Respondent : Mr.V.Kathirvelu,
Nos.3 to10 Senior Counsel assisted
by Mr.K.Prabhu



JUDGMENT

This Criminal Appeal is arising out of a matrimonial dispute.

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2.The appellant / wife of the second respondent Jeevanantham lodged a complaint against respondents 2 to 10 before the Sub Inspector of Police, All Women Police Station, Alankulam, Tirunelveli District in the year 2004 and a case was registered in Crime No.5 of 2004 for the offence punishable under Sections 498(A) and 406 of IPC and under Section 4 of Dowry Prohibition Act.

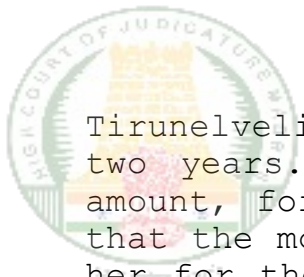
3.Pursuant to the investigation in Crime No.5 of 2004, the first respondent Police filed a final report against respondents 2 to 10 before the Judicial Magistrate, Tenkasi and the same was taken on file in C.C.No.68 of 2005. In conclusion of the trial, the trial Court acquitted the respondents 2 to 8 from the charge under Section 406 IPC and found the respondents guilty for the offence under Sections 498(A) IPC and under Section 4 of Dowry Prohibition Act and convicted and sentenced them to undergo one year rigorous imprisonment for a period of one year with a fine of Rs.5,000/- for each offence and in default of payment of fine, three months of simple imprisonment was also ordered. As against the conviction and sentence imposed by the trial Court, the respondents 2 to 8 preferred an appeal before the Court of Sessions and the appeal was taken on file in C.A.No.152 of 2010 by the Additional Sessions Court, Fast Track Court No.II, Tirunelveli.

4.The appellate Court by its order dated 03.01.2011, set aside the order of the trial Court and acquitted the respondents 2 to 8 from all the charges levelled against them. Aggrieved over the same, the de facto complainant has preferred the present appeal before this Court.

5.When the appeal was taken up for hearing, at the intervention of this Court and also on the steps taken by the learned Counsel on either side, mediation was taken place and the parties have arrived at an amicable settlement.

6.It is submitted that the appellant suffered mental illness and also was under the care of Sneka Mind Care Centre, 12 near Railway Bridge, South Bypass Road, Tirunelveli -5. The second respondent / husband of the appellant offered to pay a sum of Rs.9,00,000/- (Rupees Nine Lakh) for the future maintenance of the appellant. However, the mother of the appellant Leela and the brother Kumaresa Srinivas, who were also present before this Court have refused to accept the same and instead, they suggested the amount can be given as donation to the organisation, namely, Sneka Mind Care Centre, 12 near Railway Bridge, South Bypass Road,

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



Tirunelveli -5, which has taken care of the appellant for the past two years. Though it was persuaded by this Court to accept the amount, for her safety and well being, the appellant was very firm that the money must go to the organisation, which has taken care of her for the past two years and she has also reposed her confidence that the said organisation will take care of her till her lifetime. Pursuant to the settlement arrived at between the parties, they have filed a joint compromise memo dated 26.11.2019, signed by the respective parties. The learned Counsel for the appellant as well as the learned for the respondents have also attested the same.

7.In view of the joint compromise memo, the Demand Drafts bearing Nos.937025, 937027, 937028, dated 26.11.2019 drawn in favour of Sneka Mind Care Centre, Tirunelveli, each for a sum of Rs.3,00,000/- (Rupees Three Lakh) have been handed over by the second respondent to Mrs.L.Victoria Gowri, learned Counsel appearing for the appellant, who has also received the same on behalf of the appellant in the presence of appellant.

8.By recording the joint compromise memo dated 26.11.2019 and on the terms of the joint compromise, this criminal appeal is closed, as no further orders are required to be passed. The joint memo dated 26.11.2019 shall also form part of this order.

9.This Court places its appreciation on record for the efforts taken by Mr.V.Kathirvelu, learned Senior Counsel appearing for the respondents 2 to 10 and Mrs.L.Victoria Gowri, learned Counsel for the appellant

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

- 1)The Additional Sessions cum Fast Track Court II,
Tirunelveli.
- 2)The Judicial Magistrate,
Tenkasi
- 3)The Inspector of Police,
All Women Police Station,
Alankulam,
Tirunelveli District.



4) The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

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

CrI.A(MD)No.86 of 2014
26.11.2019

ma (CO)
TR (26.12.2019) 4P 7C