



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) No.14999 of 2014

and

M.P. (MD) No.1 of 2014

1.P.Karthikaiselvan

2.Lakshmi

3.Ram Elango ... Petitioners/Accused No.1 to 3

Vs.

1.State represented by
The Sub-Inspector of Police,
All Women Police Station (South),
Maduri City,
Madurai. ... 1st Respondent/Complainant

2.K.Manjula @ Kalaiarsai ... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the Calender Case in C.C.No.476 of 2014, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as illegal.

For Petitioners	: Mr.R.R.Kannan
For Respondents	: Mr.V.Neelakandan
	Additional Public Prosecutor for R1
	: No appearance for R2

O R D E R

The petitioners have filed this criminal original petition for quashing the proceedings in C.C.No.476 of 2014, on the file of the learned Additional Mahila Court, Madurai. The defacto complainant/K.Manjula @ Kalaiarasi is shown as second respondent herein.



2. When the matter was taken up for hearing, the defacto complainant is present in person along with the child. It is not in dispute that the first petitioner/Karthikaiselvan got married to the defacto complainant on 12.06.2011. A girl child was born through the wedlock. The marital relationship between the parties suffered a breakdown. The first petitioner herein filed H.M.O.P.No.176 of 2014, seeking dissolution of his marriage. The defacto complainant filed H.M.O.P.No.177 of 2014 for restitution of conjugal right. Both the cases were taken and by common order dated 05.01.2017, the learned Subordinage Judge, Srivilliputtur allowed the petition filed by the first petitioner herein and dismissed the petitioner filed by the second respondent herein.

3. The second respondent herein has also filed M.C.No.10 of 2014 before the learned Judicial Magistrate No.I, Kovilpatti, seeking maintenance and it is still pending.

4. This Court suggested to both the parties that they can give quietus to the matter by arriving at some kind of amicable settlement. This suggestion was made taking note of the fact that the second respondent herein did not file civil miscellaneous appeal within the time. There was some delay in filing the civil miscellaneous appeal and the same was condoned and it is pending in H.M.C.M.A.Nos.2 and 3 of 2017, on the file of the learned Additional District Court, Srivilliputtur. In the meanwhile, the first petitioner herein has contracted a second marriage and a girl child is said to have been born through the said wedlock. The first petitioner is willing to pay a sum of Rs.12,00,000/- towards full and final settlement. All that the first petitioner wants that the defacto complainant should withdraw the H.M.C.M.A.Nos.2 and 3 of 2017 and also M.C.No.10 of 2014. This offer is acceptable to the second respondent herein. Therefore, the impugned prosecution is quashed and the criminal original petition is allowed subject to the following conditions:-

(i) the petitioners will take a demand draft for a sum of Rs.4,00,000/- in favour of the second respondent herein on or before 20.09.2019. The petitioners shall also deposit a sum of Rs.8,00,000/- in favour of the child/Thayabharathi, in the Indian Bank, Madurai Bench of Madras High Court. The deposit will be an interest bearing fixed deposit. The defacto complainant shall give her bank accounts details and standing instructions will be given for crediting the occurred interest once in three months. The same amount can be withdrawn by the child on her attaining majority. The utensils of the second respondent are said to be with the first petitioner herein. The first petitioner is directed to hand over the same to the second respondent herein on 20.09.2019 at 02.15 p.m.



(ii) the second respondent shall withdraw H.M.C.M.A.Nos.2 and 3 of 2017, filed by her challenging the order dated 05.01.2017 made in H.M.O.P.Nos.176 and 177 of 2014, on the file of the learned Sub Court, Srivilliputtur. She will also withdraw M.C.No.10 of 2014, on the learned Judicial Magistrate No.I, Kovilpatti. It is made clear that on payment of aforesaid sum of Rs.12,00,000/- by the petitioners herein, all the outstanding issues between parties herein will be given a quietus. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To:

- 1.The Subordinate Judge, Srivilliputhur.
- 2.The Judicial Magistrate,
Additional Mahila Court,
Madurai.
- 3.The Chief Judicial Magistrate, Madurai.
- 4.The Judicial Magistrate, Kovilpatti.
- 5.The Sub-Inspector of Police,
All Women Police Station (South),
Maduri City,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.R.R.KANNAN, Advocate Sr. No. 86237

+1CC TO MR.F.X.EUGENE, Advocate Sr. No. 86355

Cr1.O.P. (MD)No.14999 of 2014

10.09.2019

KS (CO)

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