



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2019

CORAM:

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No. 13806 of 2019
and Crl.M.P.(MD) No. 8231 of 2019

1. Ganesh Prabhu
2. Narayanamoorthy
3. Chitra Devi

... Petitioners/A1 to A3

Vs.

1. State represented by,
The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul.
Crime No.13 of 2019

...Respondent No.1/Complainant

2. Bavithra

... Respondent No.2/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.13 of 2019 dated 28.07.2019 on the file of the Respondent No.1 for offences under Sections 498(A), 294(b) of IPC, 1860 and Section 4 of Dowry Prohibition Act and quash the same as illegal and as against the petitioners.

For Petitioner : Mr.T. Lajapathi Roy
For R-1 : Mr.K. Suyambulinga Bharathi,
Government Advocate (crl. Side)

For R-2 : Mr.C. Kannan

ORDER

This petition has been filed to quash the proceedings in the First Information Report in Crime No.13 of 2019 dated 28.07.2019 on the file of the first respondent, for offences under Sections 498 (A), 294(b) of IPC, 1860 and Section 4 of Dowry Prohibition Act.

2. The learned counsel appearing for the petitioners submitted that now the issues between the petitioners and the second respondent settled amicably and also entered joint memo of compromise. The joint memo of compromise is extracted hereunder:

" 1. The 1st petitioner the Husband have returned the wife's jewels which are about 34 sovereigns of gold on 09.11.2019 which she brought to



the matrimonial house during their marriage and also 11 sovereigns of gold chain given to her by her husband in the presence of the family elders and lawyers representing both the parties. The wife returned the Mangalyam (4 gms) to her husband. The details of jewelleries and other household articles returned is enclosed in the list.

2. The Wife had received all her house hold articles on 09.11.2019 from her husband's house in presence of their family elders and lawyers representing both the parties. There is no further claim of articles between both the parties in this memo. There is no further claim of future maintenance or compensation against each other.

3. The wife had agreed that she would consent for divorce and dissolving the marriage date 01.02.2017 in HMOP No. 244 of 2018 on the file of Sub-Court, Thirumangalam without admitting the contents in the petition or in alternative both the parties agreed to cooperate and file a petition for mutual consent u/s 13B of hindu Marriage Act, 1955 and agree for divorce by mutual consent.

4. The wife's claim for maintenance of Rs.10,00,000/-from her husband is also given to her vide Demand Drafter No.092268 dated 08.11.2019 drawn at State Bank of India, Madurai Branch in favour of "B.Bavithra"/Respondent No.2 in full and final settlement and agrees not to claim anything in future.

5. That the wife has also agreed not to proceed her complaint registered in the FIR in Crime No.13 of 2019 on the file of the AWPS Nilakottai Polic Station and DVOP No. 12 of 2019 oin the file of Judicial Magistrate, Nilakottai. The wife has also agreed to withdraw the peittion dated 14.10.2019 given before District Social Welfare officer, Dindigul against all the petitioners.

6. The wife had also agreed to withdraw all the criminal cases or proceedings initiated by her against her husband and his family members and agreed not to proceed against her husband and in-laws in future".

3. In view of the compromise entered between the petitioner and the second respondent, no useful purpose will be served in keeping the pendency of the FIR in Crime No. 13 of 2019 on the file of the first respondent police. Hence, this Criminal Original Petition is allowed and the FIR in Crime No.13 of 2019 on the file of the first respondent police, is hereby quashed. The joint memo of compromise, dated 12.11.2019 shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, to the credit of the Chief

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Registry), and file a photocopy of the receipt along with a memo reporting compliance before the Registry and the 1st respondent on or before **29.11.2019**, failing which, this order automatically stands cancelled without further reference to this Court. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.
To

1. The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1.The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.
- 2.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.C. KANNAN, Advocate (SR-97557[F] dated 12/11/2019)

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12.11.2019

KK/SAR/22.11.2019/3P-7C/