



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2020

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl.O.P.(MD)Nos.792 of 2020 and
17078 of 2017

and

Crl.M.P.(MD).No.333 of 2020 and
11235 of 2017

Vinoth Kumar ... Petitioner/Accused No.1 in
Crl.O.P.(MD).No.792 of 2020

Guruvammal
Vijayagopal ... Petitioners/Accused Nos.2 & 3 in
Crl.O.P.(MD).No.17078 of 2017

Vs.

1.The State rep. by,
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.43 of 2017)

... Respondent/Complainant in both Crl.O.Ps.

2.Raja Vinitha ... Respondents/Defacto Complainant
in both Crl.O.Ps.

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in Crime No.43 of 2017 on the file of the Inspector of Police, All Women Police Station, Thirumangalam, Madurai District and quash the same as against the petitioner.

For Petitioners : Mr.R.Anand

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R2 : Mr.M.Alagarsamy

in both Crl.O.Ps.

**COMMON ORDER**

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.43 of 2017 on the file of the Inspector of Police, All Women Police Station, Thirumangalam, Madurai District, for the offences punishable under Sections 498 (A), 294(b) and 506(i) IPC and Section 4 of Dowry Prohibition Act.

2.The learned counsel appearing for the petitioners would submit that the petitioners and the second respondent are close relatives. The marriage between the petitioner in CrI.O.P.(MD). No.792 of 2020 and the defacto complainant took place on 09.12.2016. Due to incompatibility, the matrimonial dispute arose between the parties. Resulting which, a false case has been given by the defacto complainant against the petitioners and one Vignesh Kumar. He would further submit that now the parties have compromised the matter.

3.The learned Additional Public Prosecutor appearing for the first respondent would submit that there are four accused in this case and that the 4th respondent has not filed any quash petition.

4.The learned counsel appearing for the petitioner would submit that the 4th accused in this case is none other yet another close relatives of the defacto complainant. During marriage, the fourth accused was working in abroad and subsequently he is still working in abroad. He would further submit that the fourth accused was unnecessarily roped in this case.

5.The learned counsel appearing for the defacto complainant on instructions, would submit that the defacto complainant has no objection for the case being quashed in respect of all the accused.

6.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7.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. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.V.Selvarani, Head Constable. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between



themselves.

8. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 First Information Report in Crime No.43 of 2017.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.43 of 2017, on the file of the first respondent police, is quashed in respect of all the accused and the terms of joint compromise memo shall form part and parcel of this order. Further, the petitioners jointly shall pay a sum of Rs.10,000/- as costs, to the credit of the M.R.Home For Mentally Retarded, Thirumohur Main Road, Thirumohur, Madurai, and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, the connected criminal miscellaneous petitions are closed. Post this matter on 06.02.2020 for reporting compliance.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

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

COPY TO

1. The Officer Incharge,
M.R.Home For Mentally Retarded,
Thirumohur Main Road, Thirumohur, Madurai

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



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

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