



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.19931 of 2016

and

Crl.M.P. (MD)Nos. 10005 & 10006 of 2016

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1. J.R. John Samuel Nalla Thambi
2. J. Jebarathinam
3. J.S. Sheeba Joybell : Petitioners/Accused 1 to 3

Vs.

- 1.The State rep. by
the Inspector of Police,
Manoor Police Station,
Tirunelveli District.
(Crime No.229 of 2014). : R-1/Complainant
2. S. Regina : R-2/Defacto complainant

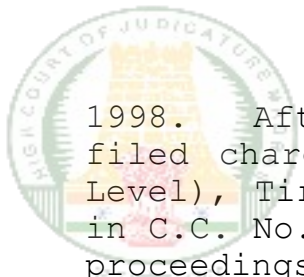
PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the charge sheet in C.C. No. 56 of 2015 on the file of the Additional Mahila Court (Magistrate Level) Tirunelveli District in Crime No. 229 of 2014, dated 03.06.2014 on the file of the first respondent for the offences under Sections 294(b), 323 & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.T. Lajapathi Roy
For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.R. Anand

ORDER

This petition has been filed to quash the charge sheet in C.C. No. 56 of 2015 on the file of the Additional Mahila Court (Magistrate Level) Tirunelveli District.

2. The defacto complainant is the correspondent of a private school and the petitioners are the committee members of the School management. The allegation is that on the date of occurrence, there was a quarrel between the petitioners and the defacto complainant, the petitioners said to have conspired and abused the defacto complainant by using filthy language and also attacked with hands. Hence, the crime has been registered in Crime No.229 of 2014 for the alleged offences under Sections 294(b), 323 & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act,



1998. After completing investigation, the respondent police has filed charge sheet before the Additional Mahila Court (Magistrate Level), Tirunelveli District and the same has been taken cognizance in C.C. No.56 of 2015 the same is pending for trial and to quash the proceedings the present petition has been filed.

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3. Earlier, when the matter was taken up for hearing, the learned counsel appearing for the petitioners submitted that now the dispute has been settled between the petitioners and the defacto complainant/R-2. The learned counsel appearing for the defacto complainant/R-2 submitted that she is not interested in proceeding further with the complaint.

4. In view of the above, due to COVID-19 pandemic situation, this Court directed the parties to appear before the respondent police and file a joint compromise memo and hence, they have also filed a joint compromise memo to the effect that the dispute between them has been amicably settled and the defacto complainant/mother is not interested in proceeding further with the complaint and the Joint Compromise memo is placed before this Court. The learned counsel appearing for the petitioner also identified their signatures and submitted that the matter has been settled between them.

5. Considering the fact that, it is dispute between the members of a School committee, now the dispute has been settled between the parties and the defacto complainant/R-2 is also not willing to proceed further with the complaint and taking into account the joint compromise memo filed by the parties, this Court is of the view that proceeding with the criminal case is only a futile exercise and it amounts to abuse of process of Court and hence, this Court is inclined to quash the criminal proceedings.

6. In fine, the Criminal Original Petition is allowed and the charge sheet in C.C. No. 56 of 2015 on the file of the Additional Mahila Court (Magistrate Level) Tirunelveli District in Crime No. 229 of 2014, dated 03.06.2014 on the file of the first respondent for the offences under Sections 294(b), 323 & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, is, hereby, quashed. The joint compromise memo dated 25.07.2020 shall form part of the record. Consequently, the connected miscellaneous petitions are closed.

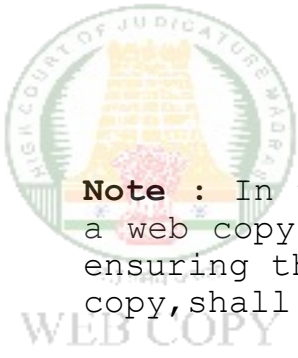
Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Manoor Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Joint Compromise Memo dated 29.07.2020 in USR 2250 enclosed herewith.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-15066[F] dated 27/08/2020)

Order made in
CrI.O.P. (MD)No.19931 of 2016
Dated: 26.08.2020

SPU (07.09.2020) 3P 4C