



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2020**

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.20133 of 2016

and

Crl.M.P. (MD)No.10097 of 2016

Sasikala : Petitioner / Sole Accused

Vs.

1.The State rep. by its
Inspector of Police,
Devipattinam Police Station,
Ramnad District.
(Crime No.411/2016).

: Respondent / Complainant

2.Malliga : Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the First Information Report in Crime No.411 of 2016, dated 18.09.2016 registered by the first respondent police pending on the file of the learned Judicial Magistrate No.1, Ramanathapuram District and quash the same against the petitioner as this Court may deem fit in the nature and circumstances of the case.

For Petitioner : Mr.J.Vijayaraja

For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.J.Nanda Kumar

ORDER

This petition has been filed to quash the First Information Report registered in Crime No.411 of 2016.

2. The petitioner is the daughter and the second respondent/*defacto* complainant is the mother. The allegation is that the *defacto* complainant/mother said to have given 48 sovereigns of gold to the petitioner/daughter and the jewels were misused by the petitioner/daughter and she failed to return the same. Hence, the crime has been registered for the offences punishable under Sections 420 and 506(i) of the Indian Penal Code and to quash the said proceedings, the present petition has been filed.

3. Earlier, when the matter was taken up for hearing, the learned counsel appearing for the second respondent/mother submitted that now the dispute has been settled between the parties and both the mother and the daughter are living together and now, the second respondent/*defacto* complainant/mother is not interested in proceeding further with the complaint and both of them are willing to appear before the learned Government Advocate (Criminal side) and file a joint compromise memo. Hence, the matter was directed to be listed today (04.08.2020).



4. In the meantime, both the petitioner and the second respondent said to have appeared in the Office of the learned Government Advocate (Criminal side) and they were also identified by the learned counsel for the petitioner and also the Inspector of Police, Devipattinam Police Station, in the presence of the learned Government Advocate (Criminal side) and 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.

5. Considering the fact that it is a family dispute between the mother and the daughter and now the dispute has been settled between the parties and the *defacto* complainant/mother 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 hence, this Court is inclined to quash the criminal proceedings.

6. In fine, the Criminal Original Petition is allowed and the First Information Report registered in Crime No.411 of 2016, dated 18.09.2016 by the first respondent police, is, hereby, quashed. The joint compromise memo dated 01.08.2020 shall form part of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl: Xerox copy of Joint Compromise Memo

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 Judicial Magistrate No.1, Ramanathapuram District.
- 2.The Inspector of Police,
Devipattinam Police Station,Ramnad District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

Order made in

Crl.O.P. (MD)No.20133 of 2016

Dated: 04.08.2020

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