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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Crl.O.P. (MD) No.11086 of 2017

and

Crl.MP(MD)No.7578 of 2017

1.G.Sathyamoorthy

2.G.Devikarani

: Petitioners/Accused Nos.1 & 2

-Vs-

1. The State represented by  
The Inspector of Police,  
All Women Police Station,  
Nilakottai,  
Dindigul District.  
(Crime No.8 of 2017)

: 1<sup>st</sup> Respondent/Complainant

2.K.Subhashini

: 2<sup>nd</sup> Respondent/De-facto complainant

**Prayer:** Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the FIR in Crime No.8 of 2017 on the file of the 1<sup>st</sup> respondent and quash the same as illegal.

For Petitioners 1 & 2

: M/s.S.Vanchinathan  
Mr.R.Ganesh Prabhu

For 1<sup>st</sup> Respondent

: Mr.K.Karmegam  
Govt. Advocate (Crl.Side)

For 2<sup>nd</sup> Respondent

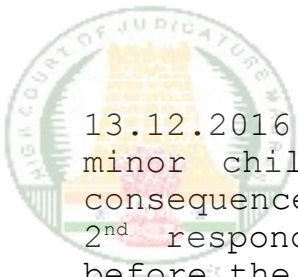
: Mr.P.Santhosh Kumar

### O R D E R

#### (Thro' VC)

This petition has been filed under Section 482 Cr.P.C., praying to call for the records relating to the case in C.C.No.8 of 2017 on the file of the 1<sup>st</sup> respondent and to quash the same.

2.The first respondent registered a case in Crime No.8 of 2017 for the offence under Sections 498(A), 323 and 506(i) IPC, based on the complaint of the 2<sup>nd</sup> respondent/de-facto complainant. The allegation against the accused is that the 2<sup>nd</sup> respondent got married with the 1<sup>st</sup> petitioner/A1 on 02.07.2009 and out of the lawful wedlock, she blessed with a male child and at the time of marriage, the de-facto complainant was gifted 15 sovereigns of jewels and also gifted things worth about 3 lakhs and after the marriage, on



13.12.2016 the 1<sup>st</sup> petitioner expelled the 2<sup>nd</sup> respondent and the minor child to the parental house of the 2<sup>nd</sup> respondent and in consequence thereof on 13.12.2016 the 1<sup>st</sup> petitioner intimidated the 2<sup>nd</sup> respondent and hence, the 2<sup>nd</sup> respondent lodged a complaint before the 1<sup>st</sup> respondent on 02.01.2017.

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3. On 14.10.2020 when the matter is taken up for hearing, both the petitioners/A1 and A2 and the 2<sup>nd</sup> respondent/de-facto complainant appeared through Video Call with their respective counsel. They have filed a Joint Memorandum of Compromise stating that the matter has already been compromised between the parties and the 2<sup>nd</sup> respondent/de-facto complainant has no objection to quash the charge sheet stating that the disputes have been settled between them. The Joint Compromise Memo, dated 31.08.2020 reads as follows;-

*"2. The Parties (G.Sathyamoorthy and K.Subhashini) have already dissolved their marriage by a decree of divorce by mutual consent without any maintenance.*

*3. The Parties have already filed a Memo of Compromise before this Hon'ble Court in C.M.P(MD) No.10395 of 2018 in CRP(MD) No.2337 of 2018, and both parties entered the Joint Memo of Compromise dated 08.11.2019 in respect of the custody of minor son namely Vihaan Veer that the child custody with the First Part. After the above said Memo of Compromise both the parties lead their respective life in their own way and not to interfere in the life of each other.*

*4. The Parties have no further claims and issues against each other. Hence, the Part of the second part decided to withdraw the allegations made in Crime No.8 of 2017, dated 21.06.2017 against the First Part, and further agreed to compromise the said complaint and on the basis of this Joint Memo of Compromise filed before this Hon'ble Court.*

*5. The Parties agrees that they should not pursue further any personal civil or criminal proceedings initiated by them against each other and that if any, the same shall have to be withdrawn by the respective parties.*

*6. The Parties agrees that both parties in all good faith have agreed not to say anything bad or derogatory against each other."*



4.The learned counsel appearing for the 2<sup>nd</sup> respondent/de-facto complainant has also no objection to quash the charge sheet filed against the accused persons in view of the Joint Compromise Memo, dated 31.08.2020 entered into between the parties. .

5.Heard the learned Government Advocate (Criminal side) appearing for the 1<sup>st</sup> respondent. The parties identified by the counsel appearing on either side.

6.Recording the above, this criminal original petition is allowed and the entire proceedings in respect of Crime No.8 of 2017 on the file of the 1<sup>st</sup> respondent, is quashed. The Joint Compromise Memo, dated 31.08.2020 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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**Enclose:** Xerox Copy of Joint Compromise memo.

To

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

Cr1.O.P.(MD) No.11086 of 2017  
16.10.2020

SSS(CO)  
CS(20.11.2020) 3P 3C