



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Crl.O.P. (MD) No.12487 of 2017

WEB COPY

1.Natarajan
2.Azagammal
3.Manickavasagam
4.Meenakshi Sundaram

: Petitioners/A2 to A5

-Vs-

1.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
(Crime No.2 of 2015)

: 1st Respondent/Complainant

2.P.Jothi Meenakshi

: 2nd Respondent/De-facto
complainant

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the charge sheet in CC No.9 of 2017 on the file of the Judicial Magistrate No.1, Tirunelveli and quash the same.

For Petitioners : Mr.Alagianambi
for M/s.Veera Associates

For 1st Respondent : Mr.K.Karmegam
Govt. Advocate (Crl. Side)

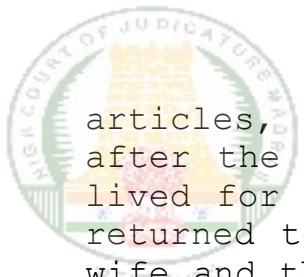
For 2nd Respondent : Mr.P.Selva Kamatchi

O R D E R

(Thro' VC)

This criminal original petition has been filed under Section 482 Cr.P.C., praying to call for the records relating to the case in C.C No.9 of 2017 on the file of the Judicial Magistrate No.1, Tirunelveli and quash the same.

2.The first respondent registered a case in Crime No.2 of 2015 for the offence under Sections 294(b), 498(A) and 506(i) IPC and section 4 of Dowry Prohibition Act, based on the complaint of the 2nd respondent. The allegation against the accused is that the 2nd respondent got married with A1 on 08.09.2013 and at the time of marriage, the de-facto complainant was gifted with Sreedhana



articles, 30 sovereigns of jewels and also cash of 60,000/-and after the marriage, the 2nd respondent/de-facto complainant and A1 lived for few days at Singapore and thereafter, the 2nd respondent returned to India on 31.01.2014 after a brief quarrel between the wife and the husband. Subsequent to March 2014, the 2nd respondent alleges that there were some further demands of gold and cash for the purpose of allowing the 2nd respondent to stay with her husband and there is also allegation of using filthy language as against the 2nd respondent by the accused persons. Hence, the 2nd respondent lodged a complaint before the 1st respondent.

3.On perusal of the records, it is seen that the 2nd respondent/de-facto complainant filed CMA(MD)No.393 of 2017 before this court against the order passed by the Family Court, Tirunelveli, in I.A.No.4 of 2017 in HMOP No.611 of 2014, dated 08.02.2017. On 21.09.2017, when the matter was taken up for hearing, at the instance of the learned counsel appearing for the parties, the matter was referred to the Mediation and Conciliation, attached to this Bench so that the matter can be tried alone with CMA(MD)No.393 of 2017, on 03.10.2017. On 03.10.2017, when the matter was taken up before the Mediation and Conciliation Centre attached to this Bench, both the parties have entered into an Agreement and a joint compromise memo was also filed by the parties. Subsequently, based on the compromise entered into between the parties, at the request of the learned counsel appearing for the appellant in CMA(MD)No.393 of 2017, the CMA is dismissed as withdrawn, by recording the Mediation Report, dated 03.10.2017. This court, while disposing the CMA(MD)No.393 of 2017, has recorded the joint compromise memo filed by the parties, in which, in para 8(e), the wife has agreed to quash the charges in connection with the case in CC No.9 of 2017 filed against the accused persons. The relevant para 8(e) would run thus:-

(e)The Appellant/Wife also agreed to quash the charges in culminated in C.C No.9 of 2017 on the file of Judicial Magistrate No.1, Tirunelveli District and entire criminal proceedings and the allegations between the parties are hereby withdrawn.

4.Today (29.10.2020) when the matter is taken up for hearing, the learned counsel appearing on either side submitted that the issue involved in this criminal original petition has already been settled before the Mediation and Conciliation Centre attached to this Bench, on 03.10.2017 and now, the learned counsel appearing for the 2nd respondent/de-facto complainant has also no objection to quash the charge sheet filed in C.C No.9 of 2017 on the file of the Judicial Magistrate No.1, Tirunelveli against the accused persons.



5.Heard the learned Government Advocate (Criminal side) appearing for the 1st respondent. The parties are identified through Video Call by the counsel appearing on either side.

6.Recording the above, this Criminal Original Petition is allowed and the entire proceedings in respect of C.C No.9 of 2017 on the file of the Judicial Magistrate No.1, Tirunelveli, is quashed. The Mediation Agreement entered into between the parties on 03.10.2017, shall form part of the order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl:Xerox copy of compromise memo and mediation report
Er
To

1.The Judicial Magistrate No.1,
Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-20740[F] dated
29/10/2020)

CrI.O.P.(MD) No.12487 of 2017
29.10.2020

SS(CO)
KM (26.11.2020) 3P 5C