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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.15505 of 2021

1.Sundarapandian
2.Kanjana

... Petitioners/A1 and A2

Vs.

1.The State rep. by
The Inspector of Police,
All Women Poilce Station,
Salem Town,
Salem District.
(Crime No.5 of 2020)

...1st Respondent/Complainant

2.P.Jeevitha

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1196 of 2020 on the file of the Additional Mahila Fast Track Court, Salem District and quash the same.

For Petitioners: Mr.K.Prabakar for Mr.M.Viji
For R1 : Mr.A.Damodaran
Additional Public Prosecutor

For R2 : Mr.P.Saravanan
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O R D E R

This Criminal Original Petition is filed to call for the records in C.C.No.1196 of 2020 on the file of the Additional Mahila Fast Track Court, Salem District and quash the same.

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

3.The gist of the case is that on 12.06.2015, the first petitioner got married with the second respondent in the presence of both relatives and neighbours as per Hindu Rites and Customs at Balaji Mahal, Chinnalapatti, Dindigul District. Both



were resided in the second respondent's home town and lived there for three years and then moved to Bengaluru and started their wedlock for eight months. During the marriage, the second respondent's parents provided 25 sovereigns gold ornaments to the second respondent and 2 sovereigns chain to the first petitioner along with house hold items. During the wedlock, the first petitioner's mother was stayed with the couples and by time to time she had harassed the second respondent in the name of dowry and the first petitioner also demanded Rs.4 lakhs from the second respondent to start up a hotel business in Bengaluru. In order to the continuous demand the second respondent had obtained Rs.4 lakhs from her parents. At this juncture, the second respondent was affected by kidney failure and the first petitioner was awarded about the same and left the second respondent without any reason from Hospital. As on 15.09.2019 at 02.00 p.m., the first petitioner was entered into the second respondent's home and used abusive words with dire consequences and then as on 06.11.2019, the first petitioner had threatened the second respondent through phone call and there after the complaint was lodged against the petitioners herein. Based on the complaint, the first respondent registered a case in Crime No.5 of 2020 for the offence under Sections 498A, 506(i) IPC, Section 4 of Dowry Prohibition Act, 1961 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women 2002, against the petitioners herein.

4. In the mean time, on the advice of the elders and family members, the second respondent has entered into a compromise with the petitioners and they decided to settle the issues amicably out of Court in the presence of relatives. Therefore the petitioners and the second respondent/defacto complainant do not want to proceed with the case further. The second respondent/defacto complainant is ready and willing to compromise the case, which arose at her complaint and she has given her full consent.

5. To that effect, the second respondent/defacto complainant has made her signature in the Joint Memo of Compromise and prayed this Court to quash the C.C.No.1196 of 2020 on the file of the Additional Mahila Fast Track Court, Salem District, on the ground of compromise entered between the petitioners and the second respondent/defacto complainant. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

7. Under such circumstances, no useful purpose will be served in keeping the case 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), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the C.C.No.1196 of 2020 on the file of the Additional Mahila Fast Track Court, Salem District

8. In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1196 of 2020 on the file of the Additional Mahila Fast Track Court, Salem District, is quashed on the terms of the Joint Memo of Compromise, which shall form part and parcel of this order.

*Xerox copy of the Joint Memo of Compromise enclosed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
Additional Mahila Fast Track Court,
Salem District.

2. The Inspector of Police,
All Women Police Station,
Salem Town,
Salem District.

3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.15505 of 2021

RP(CO)
CB(27/10/2021)