



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21839 of 2021

and

CrI.MP.No.11851 of 2021

1.Vinoth Kumar
2.Manjula
3.Uma
4.Nallendran
5.Mythili
6.Pradeep
7.Mahalakshmi
8.Selvi @ Tamilselvi

...Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Salem Rural, Salem,
Crime No.2 of 2020.

2. Soundarya

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.331 of 2021 on the file of the Hon'ble Additional Mahila Court at Salem, Salem District filed by the respondents and quash the same against the petitioners.

For Petitioners	:	Mr.M.K.Bhoopathy Rajan
For Respondent No.1	:	Mr.R. Vinothraja Govt. Advocate (CrI. Side)
For Respondent No.2.	:	S.Vivekanandan

O R D E R

This petition has been filed to call for the records pertaining to C.C.No.331 of 2021 on the file of the Hon'ble Additional Mahila Court at Salem, Salem District filed by the respondents and quash the same against the petitioners.



2.The gist of the complaint is that the first petitioner and the second respondent/defacto complainant are husband and wife and the petitioners 2 to 8 are in-laws of the second respondent. The marriage between the first petitioner and the second respondent took place in Salem as per Hindu rites and customs. During the marriage, Sridana Articles were exchanged. The first petitioner is working in Singapore. The petitioners demanded additional dowry and ill treated the second respondent, thereafter left the matrimonial home. In this regard, the second respondent lodged a complaint against the petitioners. On receipt of the complaint, the first respondent registered a case in Crime No.2 of 2021 for offences under Sections 147, 498A, 294(b), 323 and 506(ii) IPC. After completion of the investigation, the charge sheet was filed before Additional Mahila Court, Salem, 11.03.2021 and the same was taken on file in C.C.No.331 of 2021.

3.The learned counsel for the petitioners submitted that subsequently, the petitioners and the 2nd respondents have entered into a compromise and amicably settled their issues, which is the subject matter of the case in C.C. No. 331 of 2021. Hence, the petitioners have filed this petition to quash the charge sheet in C.C.No.331 of 2021.

4. 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.

5.On perusal of the materials, it is seen that the second respondent filed Divorce petition in H.M.O.P.No.64 of 2021 before the Subordinate Judge, Paramathi, Namakkal District. Afterwards, both were compromised and then she received a sum of Rs.14,50,000/- as permanent alimony from her husband the first petitioner and she took all her seethana properties from the matrimonial home. Thereafter, the abovesaid HMOP No.64 of 2021 was decreed as settled out of Court on 04.09.2021 and DVC No.5 of 2020 filed by the second respondent before the Judicial Magistrate, Paramathi, was also dismissed as settled out of Court on 27.08.2021.

6.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 Gujrat), 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case



in C.C.No.331 of 2021, pending on the file of the learned Additional Mahila Court, at Salem.

7.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.331 of 2021 pending on the file of the learned Additional Mahila Court, at Salem, is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

sms

To

1. The Additional Mahila Court,
Salem, Salem District.
2. The Inspector of Police,
All Women Police Station,
Salem Rural, Salem,
Crime No.2 of 2020.
3. The Public Prosecutor,
High Court, Madras.
4. The Subordinate Judge,
Paramathi,
Namakkal District.

+1cc to Mr.M.K.Bhoopathy Rajan, Advocate, S.R.No.61778

CRL.O.P.No.21839 of 2021
and
Cr1.MP.No.11851 of 2021

CP[co]
NSK 15/12/2021