



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**
Crl.O.P. (MD) No.8212 of 2021

WEB COPY

1.Sathiyanathan

2.Santhappan

3.Selvathai

4.Janshi Rani

5.Sundaramoorthi

6.Barathi @ Velanganni

7.Kannan ... Petitioners/Accused 1 to 7

Vs.

1.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No.11 of 2018. ... 1st Respondent/Complainant

2.Sivaranjani ... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertains to impugned FIR in Crime No.11 of 2018 on the file of the 1st respondent police station and quash the same.

For Petitioners : Mr.R.Gowri Shankar

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

For R2 : Mr.S.Vijaya Kumar
Legal Aid Counsel



ORDER

This petition is filed seeking quashment of the First Information Report in Crime No.11 of 2018 on the file of the 1st respondent.

2.The case of the petitioners in brief is as follows:-

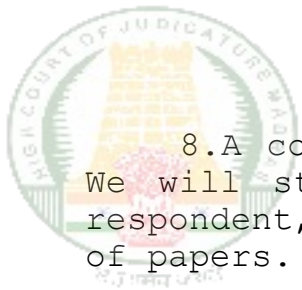
3.The marriage between the defacto complainant and the 1st petitioner herein was performed on 05.06.2017. At the time of marriage, customary jewels and other things were also given. After that, they lived as husband and wife in joint family with the other accused. At the night of the marriage, all the accused persons mentally tortured the defacto complainant by saying that her parents cheated and failed to present a Car. She was also assaulted on her head. On 08.09.2017 at about 05.00 pm., except the 5th accused, namely, Sundaramoorthi, all other accused demanded 100 sovereigns of gold jewels as additional dowry. While others caught hold the defacto complainant, the husband snatched her Thali and drove her away to her parental home. She was also scolded in filthy language. Based upon the complaint given by her, a case in Crime No.11 of 2018 for the offences punishable under Sections 498(A), 294(b), 406 and 506 (2) of IPC has been registered.

4.Seeking quashment of the aforesaid First Information Report, this petition is filed mainly on the ground that a divorce case in HMOP.No.113 of 2018 was filed by this 1st petitioner herien before the Sub Court, Thirumangalam. During the mediation process, the issue between the husband and wife was settled and divorce was also granted on 27.11.2020. As per the mediation report, the 2nd respondent has undertaken to withdraw DVOP.No.1 of 2018 pending on the file of the learned Judicial Magistrate Court No.II, Usilampatti and also this criminal case. It was also withdrawn. In respect of this case, she sent a letter dated 20.02.2021 to the 1st respondent stating that she is not willing to pursue the matter further. However, without taking note of the aforesaid development, the investigation was undertaken. Hence, this petition.

5.Though notice was served upon the 2nd respondent, none appeared. Since it is a matrimonial dispute, Mr.S.Vijaya Kumar, advocate from the legal aid panel was appointed to assist the Court.

6.Heard both sides.

7.The learned Additional Public Prosecutor (Crl.side) appearing for the 1st respondent would submit that the investigation has been completed and the final report was also made ready on 29.07.2018. But it was not presented before the concerned Court.



8.A copy of the final report is also circulated to this Court. We will straight away go to the consent letter given by the 2nd respondent, which is dated 20.02.2021 and annexed in the typed set of papers.

9.In the letter dated 20.02.2021, the 2nd respondent has specifically stated that in view of the compromise reached between her and her husband during the mediation process, she received all the articles and jewels belong to her and she was also ready to withdraw DVOP.No.1 of 2018 pending on the file of the learned Judicial Magistrate Court No.II, Usilampatti. On that basis, she has made this representation stating that she is not willing to pursue the criminal complaint that has been given by her, based upon which, the present case has been registered.

10.A settlement agreement between the parties is also annexed in the typed set of papers, wherein, it has been stated that the 2nd respondent has received her articles and jewels from the 1st petitioner, namely, the husband. A consent divorce must also be obtained. Similarly, she will not pursue the aforesaid DVOP.No.1 of 2018 pending on the file of the learned Judicial Magistrate Court No.II, Usilampatti. So, it is seen that based upon the aforesaid settlement reached between the parties, HMOP.No.113 of 2018 has been decided by granting divorce. It is further seen that because of the compromise reached between the parties, all the issues have been settled, in pursuance of which, the 2nd respondent sent a representation dated 20.02.2021. However, instead of filing the action drop report, the 1st respondent has completed the investigation and has also prepared the final report. Since there is a compromise reached between the husband and wife and divorce has also been granted, in pursuance of the same, the continuation of the criminal proceedings will abuse the process of law and criminal Court. Hence, this petition is liable to be allowed and accordingly, the same is allowed. The impugned FIR in Crime No.11 of 2018 on the file of the 1st respondent is hereby quashed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.VIJAYAKUMAR,Advocate (SR-29518[F] dated 17/09/2021)

+1 CC to M/s.R.GOWRISHANKAR, Advocate(SR-29555[F] dated
20/09/2021)

Crl.O.P. (MD)No.8212 of 2021
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MGJ(27.09.2021) 4P 5C