



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.11699 of 2021

WEB COPY

1. M.Surender @ Suren
2. S.Murugesan
3. M.Jayalakshmi
4. Raja Purushothaman
5. M.Hemalatha

... Petitioners/Accused Nos.1 to 5

Vs.

1. The State rep. By,
The Inspector of Police,
AWPS,
Turicorin,
(Crime No.36 of 2019)

... 1st Respondent / Complainant

2. A.Banumathy

... 2nd Respondent / Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to First Information Report in Crime No.36 of 2019 for the offences under Sections 498 (A), 406, 506(2) of I.P.C. r/w. Section 4 of Dowry Prohibition Act, 1961 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, dated 16.11.2019 on the file of the first respondent police and to quash the same as illegal as against the petitioners / accused 1 to 5.

For Petitioners : Mr.S.N.Arunkumar

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate.

For R-2 : Mr.W.Xavier

O R D E R

Heard the learned counsel on either side.

2. The defacto complainant appeared before this Court on 12.11.2021. She stated that she has no objection for quashing the impugned First Information Report. Her only apprehension was that the petitioners should not file any suit for damages against her later.



3. All the five accused appeared before me and stated that they will not initiate any proceedings against the defacto complainant for any reason whatsoever. The sixth accused is not a petitioner before this Court. I directed the petitioner's counsel to obtain a letter from the sixth accused. Mr.Sankarapandiyan, Advocate (1556/2014) states that the sixth accused Durga Devi mailed him to convey her undertaking that she will not initiate any proceedings against the second respondent for any reason whatsoever.

4. Since the defacto complainant herself does not want to pursue the matter, no purpose will be served in keeping the impugned First Information Report alive. Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
AWPS,
Turicorin.

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

+1 CC to M/s.J.G. KANNAN, Advocate (SR-35224[F] dated 19/11/2021)

+1 CC to M/s.W. XAVIER, Advocate (SR-34828[F] dated 17/11/2021)

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RK(26/11/2021) 2P 5C

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