



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD)No.15699 of 2018

and

Crl.M.P. (MD)Nos.6945 & 6946 of 2018

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Abraham

... Petitioner/ Sole Accused

vs.

1. The State represented by
The Inspector of Police,
Ayukudi Police Station,
Tirunelveli District.
(Crime No.110 of 2014)

... Respondent/Respondent

2.William Fernandas

... Respondent/De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the entire records pertaining to the case in C.C.No.399 of 2016 on the file of the learned Judicial Magistrate, Shencottai, Tirunelveli District and quash the same as against the petitioner.

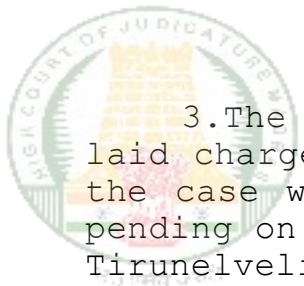
For Petitioner : Mr.R.Anand

For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. side) for R1
Mr.P.Gunasekaran for R2

O R D E R

This criminal original petition has been filed seeking orders to call for the entire records pertaining to the case in C.C.No.399 of 2016 pending on the file of the learned Judicial Magistrate, Shencottai, Tirunelveli District and quash the same.

2.It is not in dispute that the petitioner/accused had married Belgena Mary Stella sister of the second respondent/de-facto complainant and the third respondent/victim Vimala Rani in the compromise memo is the wife of the second respondent. It is also not in dispute that there existed property dispute between the parties. It is also not in dispute that second respondent has lodged a complainant for the incident alleged to have occurred on 29.06.2014, and FIR came to be registered in Crime No.110 of 2014 on the file of the first respondent for the offences under Sections 294(b), 452 and 506(ii) IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.



3.The first respondent after completing the investigation has laid charge sheet against the petitioner for the said offences and the case was taken on file in C.C.No.399 of 2016 and the same is pending on the file of the learned Judicial Magistrate, Shencottai, Tirunelveli District.

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4.At the instance of the elders of the second respondent's family, they have arranged for a meeting so as to explore the possibility of the settlement that the petitioner and the second respondent had taken part and entered into settlement and that in consequent to the settlement, the second respondent has agreed to file compromise memo before this Court.

5.In pursuance of the said compromise, they have filed a joint memo of compromise along with the affidavit of the second respondent. In the affidavit, the second respondent has specifically stated that the settlement has come to the existence on their own and there has been no case of causing influence and therefore, he had already undertaken to appear before this Court for reaffirming his stand with regard to the compromise. The petitioner, the second respondent/ de-facto complainant and second respondent's wife/victim are present before this Court and they were identified by their counsels as well as by the first respondent police. On enquiry by this Court, the parties have accepted the settlement arrived at between them and filing of compromise memo jointly. Considering the above, the compromise memo is recorded.

6.Considering the entire facts and circumstances of the case and the nature of the charges levelled against the petitioner and also taking note of the fact that the parties have entered into compromise and consequently, filed joint memo of compromise before this Court and the same was recorded, this Court is of the view that no useful purpose would be served in keeping the matter pending. Consequently, all the proceedings in C.C.No.399 of 2016 pending on the file of the learned Judicial Magistrate, Shencottai, Tirunelveli District, are quashed.

7.In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

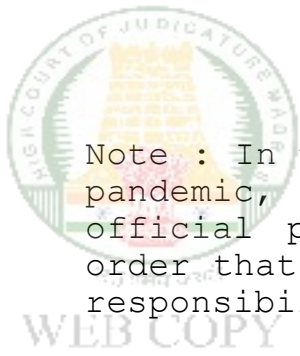
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

Encl : Compromise Memo

To :

1. The Judicial Magistrate,
Shencottai,
Tirunelveli District.
2. The Inspector of Police,
Ayukudi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.15699 of 2018

and

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