



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)Nos.11348 & 8935 of 2017

and

Cr.MP(MD)Nos.6048 & 7795 of 2017

WEB COPY

Crl.O.P.(MD)No.11348 of 2017

- 1.Meenakshi
- 2.Viswanathan
- 3.Jeyakumar
- 4.Selvam
- 5.Selvaganesan

... Petitioners/accused Nos.1 to 5
Vs.

- 1.The State of Rep, by
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.77 of 2012)

... 1st Respondent/Complainant

- 2.V.P.Raj

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the proceedings pending in C.C.No.106 of 2013 on the file of the learned District Munsif Cum Judicial Magistrate, Vadipatti, Madurai District and quash the same as illegal and devoid of merits.

For Petitioners	:	Mr.M.Jegadeesh Pandian
For R1	:	Mr.M.Ganesan
		Government Advocate (Crl.Side)
For R2	:	Mr.M.P.Senthil

Crl.O.P.(MD)No.8935 of 2017

V.P.Raju

... Petitioner/accused No.1

Vs.

- 1.The State of Rep, by
The Inspector of Police,
Kadupatti Police Station,
Kadupatti, Madurai.
Madurai District.
(Crime No.78 of 2012)

... 1st Respondent/Complainant

- 2.Mrs.Meenakshi

... 2nd Respondent/Defacto
Complainant



Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.83 of 2013 on the file of Judicial Magistrate, Vadippatti and quash the same.

For Petitioner : Mr.M.P.Senthil
For R1 : Mr.M.Ganesan
Government Advocate (Crl.Side)
For R2 : Mr.M.Jegadeesh Pandian

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.106 of 2013 on the file of the learned District Munsif Cum Judicial Magistrate, Vadipatti, Madurai District and C.C.No.83 of 2013 on the file of Judicial Magistrate, Vadippatti.

2.The case of the prosecution is that the defacto complainant in Crl.OP(MD)No.11348 of 2017 is the husband of the first petitioner's sister namely, Latha. According to him, due to the matrimonial dispute between them, the occurrence took place on 15.07.2012, at about, 02.00 p.m in Aladi Servai Marriage Hall, Tenkarai. Upon his complaint, the case in Crime No.77 of 2012 was registered for the offences under Sections 147, 341, 355, 323 and 506 (ii) of IPC on the file of the first respondent herein and similarly, the first respondent in Crl.OP(MD)No.8935 of 2017 namely, Meenakshi has lodged a complaint stating that in pursuance of matrimonial dispute between her sister Latha and Mr.V.P.Raj, who is the petitioner herein, the occurrence said to have taken place at about 1.45 p.m, on 15.07.2012. Based upon her complaint, a case in Crime No.78 of 2012 was registered on the file of the first respondent police and after investigation, charge sheets were also filed in C.C.No.106 of 2013 on the file of the learned District Munsif Cum Judicial Magistrate, Vadipatti, Madurai District and C.C.No.83 of 2013 on the file of Judicial Magistrate, Vadippatti. So, reading of the the affidavit shows that it is a case in counter and the parties are close relatives in both the cases.

3.The second respondent / defacto complainant as well as the petitioners in both petitions are present before this Court and they are identified by the respective learned counsel and both the parties have filed a joint compromise memos stating that the matter has been amicably resolved between themselves and the second respondent / defacto complainant in both petitions are not willing to prosecute the case and therefore, the petitioners in both petitions would pray for quashing the proceedings in C.C.No.106 of 2013 on the file of the learned District Munsif Cum Judicial Magistrate, Vadipatti, Madurai District and C.C.No.83 of 2013 on the file of Judicial Magistrate, Vadippatti.

4.The compromise memos are filed before this Court and the parties along with their respective counsel are also personally



present before this Court today (01.02.2021) and the defacto complainant in both petitions have represented before this Court that the matter has been settled amicably between the parties.

5.The learned Government Advocate (Crl.Side) who was present in the Court had also verified their identity and would state that he has no objection for the above compromise.

6.In view of the compromise, this Court find that it is a fit case for quashing the charge sheets.

7.In the result, by recording the compromise, the Criminal Original Petitions are allowed and the proceedings in C.C.No.106 of 2013 on the file of the learned District Munsif Cum Judicial Magistrate, Vadipatti, Madurai District and C.C.No.83 of 2013 on the file of Judicial Magistrate, Vadippatti, are quashed. The joint compromise memos shall form part and parcel of this order.

Sd/-

Assistant Registrar (AE)

// 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:Xerox Copy of Joint Compromise Memos

To

- 1.The District Munsif Cum Judicial Magistrate,
Vadipatti, Madurai District.
- 2.The Judicial Magistrate,
Vadippatti.
- 3.The Inspector of Police,
Kadupatti Police Station, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.M.P.SENTHIL, Advocate (SR-2745[F] dated 02/02/2021)
Crl.O.P. (MD) Nos.11348 & 8935 of 2017 and
Cr.MP (MD) Nos.6048 & 7795 of 2017
01.02.2021

VR (CO)

KB(16.02.2021) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>