



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 17.04.2021

Delivered On : 21.05.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)Nos.18395 and 19193 of 2018

and

Crl.M.P.(MD)Nos.8207, 8208 and 8628 of 2018

Crl.O.P.(MD)No.18395 of 2018

1. Karuppaiah

2. Meenal

... Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

2. Rajeshwari,

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the C.C.No. 224 of 2018 on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi and to quash the same by allowing this Criminal Original petition.

For Petitioners : Mr.K.Baalasundharam

For R1 : Mr.R.Srinivasan
Government Advocate (crl.side)

For R2 : Mr.R.Sevugaraja

Crl.O.P.(MD)No.19193 of 2018

Ponvanan

... Petitioner

Vs.

1. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
Cr No.3 of 2018.

2. Rajeswari

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the C.C.No.224 of 2018 on the file of the Principal District Munsif Cum Judicial



Magistrate, Karaikudi and to quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.K.Baalasundharam

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For R1 : Mr.R.Srinivasan
Government Advocate (crl.side)

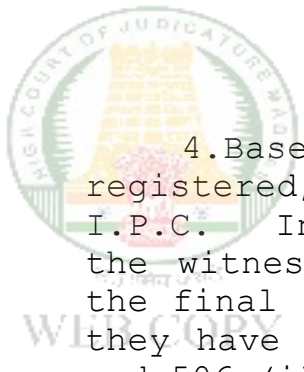
For R2 : Mr.R.Sevugaraja

COMMON ORDER

These Criminal Original Petitions have been filed seeking for quashment of charge sheet in C.C.No.224 of 2018, pending on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi.

2.In Crl.O.P.(MD)No.18395 of 2018, the petitioners are the second and third accused before the trial Court and in Crl.O.P.(MD)No.19193 of 2018, the petitioner is the first accused, who is also the husband of the defacto complainant.

3.The case of the prosecution before the trial Court and as well as the case of the second respondent, who is the defacto complainant, is that the marriage between her husband and herself took place on 02.02.2015 in Pudukottai, Mardhandapuram, Moovar Tirumana Mahal and at that time, she was given sufficient Sreedhana, apart from household articles. After marriage, they lived in Pudukkottai in the matrimonial house. They demanded gift amount which was presented to her during the marriage, for which, she replied that her parents have spent more money for the purpose of performing the marriage and so, the gift amount must be given to him, getting angry over that she was prevented from visiting her parental home by her mother-in-law and her husband. Her husband was not involved or interested in marital life. Later, she was harassed and she was administered Tablet forcibly. Later, she was sent along with her husband after a compromise with the help of the relatives. She left her educational certificates in the custody of her husband. Later, her husband came to India and after compromise she was again taken to Singapore. Even then, the in-laws harassed her and they also demanded additional jewels and amount. So, she was driven from the matrimonial home. On 29.04.2017, the husband came to India and invited to her to attend her sister-in-law's marriage. At that time, she demanded her educational certificate, but, he refused. He also threatened her in the presence of her parents that she will not return to Singapore, unless she met the demands.



4. Based on this complaint, a case in Crime No.03 of 2018 was registered, on 14.04.2018, under Sections 498(A), 406 and 506(i) I.P.C. Investigation was taken up and after the statements of the witnesses were recorded, finally, the first respondent filed the final report making allegations against these petitioners that they have committed offence punishable under Sections 498(A), 406 and 506 (i) I.P.C.

5. Challenging the final report, the husband as well as the in-laws have filed these two separate Criminal Original Petitions mainly on the ground that none of the allegations in the final report would attract any of the allegations against these petitioners and even as per the report of the Social Welfare Officer, Sivagangai, there was no a dowry demand. The second respondent received her certificates and also made an endorsement on 19.03.2018.

6. Heard both sides.

7. The sequence of events mentioned by the petitioners and as well as the second respondent shows that some misunderstanding arose between the defacto complainant and her husband and because of which, matrimonial dispute arose, which resulted in filing of divorce petition by the husband in H.M.O.P.No.108 of 2018, on the file of the Principal Sub Judge, Pudukkottai. During the course of enquiry, there was a compromise between the parties, by which, the second respondent herein received Rs.7,00,000/- (Rupees Seven Lakhs only), which was also paid through Demand Draft Nos.114864 and 116268 and the amount was also received by the second respondent. They also submitted that Sreedhana properties and jewels are in her custody. So, based upon that consent, divorce was granted by the concerned Court. It is also admitted during the enquiry that the case in Crime No.03 of 2018, which is presently in C.C.No.224 of 2018 can be quashed, on the basis of the compromise reached between the parties.

8. So, it is seen that the petitioner in Crl.O.P.(MD)No.19193 of 2018 and the second respondent herein entered into compromise by which, she received Rs.7,00,000/- (Rupees Seven Lakhs only) either towards maintenance. She also admitted that all the Sridhana properties are in her custody.

9. So, the matter was listed before this Court for recording compromise between the parties. But, in spite of repeated adjournments, the parties did not appear. So, the matter was finally listed on 17.04.2021. Since the matter has been compromised between the parties, as I mentioned earlier, nothing remains for further adjudication. The second respondent/ defacto complainant has given a clear consent for allowing these Criminal



Original Petitions. It has also been mentioned that compromise was reached between the parties in W.P.(MD)No.24767 of 2018 and a direction has also been issued to these two matters for disposal, but, some how, it was not listed. Joint Compromise memo was also filed in that writ petition. So, due to the subsequent development, both the Criminal Original Petitions are liable to be allowed and accordingly, these petitions are allowed. The charge sheet, in C.C.No.224 of 2018, pending on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi, stands quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar/
Vacation Officer (CS-III)

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/ /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 Principal District Munsif Cum Judicial Magistrate, Karaikudi.
2. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

order made in
Crl.O.P. (MD)Nos.18395 and 19193 of 2018
21.05.2021

VB(02/06/2021) 4P / 4C