



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

WEB COPY

THE HONOURABLE **Mr.JUSTICE G.ILANGO VAN**

CrI.O.P.(MD)No.11741 of 2017 and 10758 of 2019

and

CrI.M.P.(MD)No.8084 & 8085 of 2017 and 6767 & 6768 of 2019

CrI.O.P.(MD)No.11741 of 2017:

1.Natarajan
2.Malarvizhi

...Petitioners/Accused No.2&3

/Vs./

1.The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District. ...Respondent/Complainant

2.Subahashini ... Respondent/Defacto Complainant

CrI.O.P.(MD)No.10758 of 2019:

N.Sasikumar ...Petitioner/Accused No.1

/Vs./

1.The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District .. Respondent/Complainant

2.Subahashini ...Respondent/Defacto Complainant

Common Prayer: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.339 of 2016 on the file of the Judicial Magistrate No.II, Srivilliputtur and to quash the same.

For Petitioners : Mr.S.C.Herold Singh (in both CrI Ops)

For Respondent No.1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)
(in both CrI Ops)

For Respondent No.2: Mr.A.Balakrishnan (in CrI OP- 11741/2017)

**COMMON ORDER**

The case of the prosecution before the trial Court is that the marriage between the second respondent with the son of the first petitioner in Crl.O.P.(MD)No.11741 of 2017, was solemnized on 16.12.2015 at Murugan Kovil, Rajapalayam as per the Hindu Customs Rites. At that time, the son of the first petitioner was given 17 sovereigns of gold jewels, a cash of Rs.25,000/- and other household articles. Later, the husband, the son of the first petitioner demanded additional dowry such as a car along with 10 sovereigns of gold jewels and a cash of Rs.2,00,000/-. On 31.01.2016, the petitioners herein abused the second respondent in filthy language stating that she is not a lucky girl. She was also threatened and demanded jewels and money. She was driven out of the matrimonial house forcibly. Therefore, the second respondent lodged a complaint against the petitioners. On the basis of the complaint given by the second respondent, a case in Crime No.13 of 2016 under Sections 294 (b), 498 (A) and 506 (i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and the first respondent started the investigation, got the materials, recorded the statements of the witnesses and finally final report was filed against the petitioners alleging that they have committed the offences punishable under Sections 294 (b), 498 (A) and 506 (i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. Challenging the final report seeking quashment, all the three accused have preferred these Criminal Original Petitions.

2. Since it was a matrimonial dispute, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre attached to this Bench and the parties appeared before the Mediation Centre and a settlement was also reached. The terms of settlement are also mentioned in the Mediation report, which is as follows:

" (i) The husband of the 2nd respondent namely, N.Sasi Kumar, S/o.S.Natarajan who appeared before the mediation pursuant to the orders of this Court has agreed to pay full and final settlement amount of Rs.7,25,000/- to the 2nd respondent namely Subhashini by way of Demand Draft bearing No.528268, drawn on State Bank of India, Rajapalayam Branch, dated 13.12.2018.

(ii) The 2nd respondent namely Subhashini ready to accept and receive the demand draft as permanent alimony and acknowledged the same before the Mediation.

(iii) The 2nd respondent has already withdrawn by the following cases in M.C.No.1 of 2017 and D.V.O.P.No.1 of 2018 respectively on the file of the Judicial Magistrate, Rajapalayam.

(iv) The 2nd respondent has no objection to



quash the C.C.No.339/2016 pending before the Judicial Magistrate No.II, srivilliputhur.

(v)The 2nd respondent has already given no objection to grant divorce filed by her husband in H.M.O.P.No.29 of 2017 and the concerned Court also granted divorce between the parties.

(vi)The 2nd petitioner already withdrawn the suit filed by her in O.S.No.84 of 2017 against the 2nd respondent on the file of the Sub Court, Srivilliputhur and also the 2nd petitioner has withdrawn the CrI.M.P.No.3442 of 2017 filed against the 2nd respondent on the file of the Judicial Magistrate, Rajapalayam.

(vii)Both parties have exchanged their own belongings.

(viii)Both parties agreed that there will no claim against each other in future. The parties also agrees that they will not continue any proceedings which are pending and initiate new proceedings with regard to the issue referred above.

(ix)With the above condition, the 2nd respondent has no objection to allow the CrI.O.P. (MD)No.11741 of 2017."

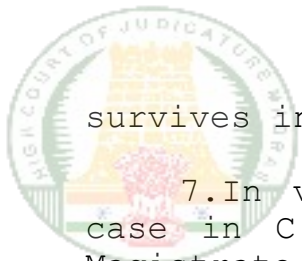
3.From the mediation report, it is seen that the parties entered into the terms arrived in the report and the second respondent herein was paid Seven Lakhs and Twenty Five Thousand rupees by way of demand draft and the parties have also agreed to mutually dissolve the marriage by giving no objection in H.M.O.P.No.29 of 2017.

4.The second respondent herein has no objection to quash the cases against the petitioners in both the Criminal Original Petitions.

5.The Hon'ble Supreme Court in the Judgment reported in **Criminal Appeal No.349 of 2019** in the case of **State of Madhya Pradesh vs. Laxmi Narayan and others.**, has held as follows:

" i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship of family disputes and when the parties have resolved the entire dispute amongst themselves"

6.In the case on hand, since it is a matrimonial dispute, the parties have also reached the settlement and therefore, nothing



survives in this case for trial.

7. In view of the settlement reached between the parties, the case in C.C.No.339 of 2016 on the file of the learned Judicial Magistrate No.II, Srivilliputtur, is quashed and both the Criminal Original Petitions stand allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /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.

To

- 1.The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Common Order made in
Crl.O.P.(MD)No.11741 of 2017 & 10758 of 2019

Dated:
15.04.2021

RK(13.05.2021) 4P 3C