



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19817 of 2016

and

Crl.M.P.No.9265 of 2016

1.D. Malliga

2.D. Maithili

3.S. Nareshkumar

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem-5, Salem District.
(Crime No.21 of 2015)

2. P.Gunavathi @ Kavitha
(Suo moto ordered to be impleaded
as per order dated 01.09.2020).

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in Crime No.21 of 2015 on the file of the respondent and quash the same.

For Petitioners : Mr.K.A.Ravindran

For Respondents : Mr.R.Murthi, for R1
Government Advocate
No Appearance for R2

O R D E R

This petition is filed to call for the entire records in Crime No.21 of 2015 on the file of the first respondent-police and quash the same.

2. This case was registered on the basis of the complaint by the second respondent for the offences under Sections 498(A), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.21 of



2015 on the file of All Women Police Station, Sooramangalam, Salem.

3. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners that a compromise was entered with the second respondent and in accordance with the terms of the compromise, a sum of Rs.12 lakhs was paid to the second respondent. It was agreed to withdraw this criminal case and other litigations pending between the parties. However, after receiving the money, the second respondent is not cooperating for quashing the case in Crime No.21 of 2015.

4. Learned Government Advocate for the first respondent also submitted that a notice was sent to second respondent directing her to appear for enquiry on 02.02.2022. Despite the notice served on her, she failed to appear for the enquiry.

5. This Court, with a view to give an opportunity to the second respondent, again ordered a fresh notice to the second respondent returnable by 27.04.2022. As directed petitioner has taken notice. The Notice is returned with an endorsement "no such person". It is brought to the notice of this Court that the notice had been taken to the address given in the memorandum of understanding reached between the parties. The first respondent also taken notice to the same address and that was received by the second respondent. It appears that second respondent is deliberately avoiding the receipt of notice and appearing before the Court.

6. This is essentially a matrimonial issue between the parties. Considering the fact that a sum of Rs.12 lakhs was paid to the second respondent on the undertaking to withdraw this case and now, that the second respondent is not cooperating by appearing before the Court for the purpose of recording the compromise and quash the proceedings, this Court taking note of the entire factual circumstances and the settlement reached between the parties, allows this petition and criminal proceedings in Crime No.21/2015 on the file of first respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



AT

To

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1. The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem-5, Salem District.
2. The Public Prosecutor
Madras High Court
Chennai

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PVS (CO)
CT 27/05/2022