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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6210 of 2019
and Crl.M.P.No.3436 of 2019
and Crl.M.P.No.10458 of 2021

1.M.Sivashankar @ Shivashankaran

2.M.S.Agilandeswari

...Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
W-22, Mylapore,
Chennai-600 004.

2.P.Gowthami

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in [C.C.No.4475](#) of 2018 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioners : [Mr.N.Manoharan](#)

For Mr.S.Kartik

For Respondents

For R1 : Mr.L.Baskaran

Government Advocate (Crl.Side)

For R2 : Mr.B.Manoharan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in [C.C.No.4475](#) of 2018 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

2. The petitioners have been added as Accused No.3 and 5. The petitioners are the brother and sister of the deceased Sivanandam. The said Sivanandam got married the defacto complainant Gowthami on 08.09.2016. After the marriage, the said Sivanandam due to illness died on 17.10.2016. After demise, there was dispute between the defacto complainant and the family members of the said Sivanandam. Hence, the defacto complainant



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gave a complaint before the respondent police. Based on the said complaint, FIR was registered for the offence under Sections 417 and 406 IPC and Sections 3 and 4 of Dowry Prohibition Act against the petitioners in Crime No.7 of 2017 on the file of the respondent police.

3. As per complaint, the defacto complainant gave 22 sovereigns of gold and 1 kg silver articles, and the marriage was performed in a grand manner. But later, she came to know that the said Sivanandam was suffered grave physical illness and the facts were suppressed by the said Sivanandam and also by his family members. Therefore, she gave a complaint before the respondent police for the alleged offences under Sections 417 and 406 IPC and Sections 3 and 4 of Dowry Prohibition Act and charge sheet has also been filed and the same was taken on file in [C.C.No.4475](#) of 2018 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai. Thereafter, the brother-in-law of the defacto complainant has filed a quash petition before this Court in [Crl.O.P.No.20741](#) of 2018 and the same was allowed.

4. When the matter was posted earlier, this Court suggested for compromise since the Accused, the parents of the deceased Sivanandam father-in-law and mother-in-law of the defacto complainant, were aged about 77 and 68 years. The defacto complainant/second respondent is still unmarried and living with her parents.

5. Both parties have entered into a compromise and filed Joint compromise memo, whereby having received permanent alimony, the defacto complainant has agreed for quashing of the proceedings initiated against the petitioners as well as the parents of the deceased Sivanandam.

6. Today when the matter is taken up for hearing, the entire family of the deceased Sivandam along with their counsel and the defacto complainant's counsel are present before this Court. The defacto complainant have already received a sum of Rs.15,00,000/- through D.D., as her permanent alimony. Further, the seethana articles were already handed over to the defacto complainant as per the joint compromise memo, she also agreed that she took all the articles belongs to her, there is no claim from the family of the deceased Sivanandam and the entire claim was settled. Accordingly, the joint compromise memo is recorded

7. In view of the Joint compromise memo, this Criminal Original Petition stands allowed and as a sequel, the proceedings in [C.C.No.4475](#) of 2018 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai. is quashed as against the petitioners along with the parents of the deceased Sivanandam, though they are not parties to this petition. The



terms of Joint Compromise Memo shall form part and parcel of this Order. Consequently, connected miscellaneous petitions are closed..

*Copy of the Joint Memo of Compromise enclosed

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

msrm

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Public Prosecutor,
High Court,
Madras.
3. The Inspector of Police,
All Women Police Station,
W-22, Mylapore,
Chennai-600 004.

+4ccs to Mr.S.Kartik, Advocate SR.No.30257

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SS(CO)
GMY(13/05/2022)