



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 04.02.2022

PRONOUNCED ON : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)No.1883 of 2022

WEB COPY

1. Muthaiya @ Muthu

2. Subramanian @ Subramanian Chettiar

3. Vignesh

... Petitioners / Accused Nos.1 to 3

Vs.

1. State rep. By

The Inspector of Police,
AWPS Thilagar Thidal police station,
Madurai South,
Madurai District.

(Crime No.34 of 2021) ... Respondent / Complainant

2. Meenakshi

... 2nd Respondent /
Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.34 of 2021 on the file of the Inspector of Police, AWPS Thilagar Thidal police station, Madurai South, Madurai District and quash the same.

For Petitioners : Mr.T.Palanisamy

For R-1 : Mr.M.Sakthikumar,
Government Advocate(Crl. Side).

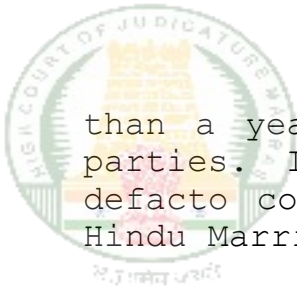
For R-2 : Mr.R.Venkateswaran

O R D E R

Heard the learned counsel on either side.

2. The persons who are shown as accused in Crime No.34 of 2021 registered on the file of All Women police station, Thilagar Thidal, Madurai City, have filed this criminal original petition for quashing the impugned First Information Report.

3. The defacto complainant Meenakshi got married to the first petitioner herein on 27.01.2021. The marital relationship has come under strain. The parties are living apart from each other for more



than a year. The compromise has also been arrived at between the parties. It has been agreed that the first petitioner and the defacto complainant will file a petition under Section 13B of The Hindu Marriage Act before the Family Court, Madurai.

4. Since the marital relationship has irretrievably broken down and the first petitioner and the defacto complainant are living separately for more than a year and no issues have been born through the wedlock, the Family Court, Madurai, is directed to waive the cooling-off period and take up the petition for dissolution of marriage straightaway. The petitioners have also undertaken to pay a sum of Rs.30,00,000/- towards full and final settlement by way of demand draft drawn in the name of the defacto complainant Ms.Meenakshi. I make it clear to petitioners 1 and 2 that in the event of their going back on the promise, this Court will initiate contempt proceedings against them. Petitioners 1 and 2 have also made an endorsement before this Court after having been appraised of the consequences. Since the parties have resolved the issues between them in the manner indicated above, no purpose will be served in keeping the impugned prosecution alive. Therefore, the impugned First Information Report is quashed.

5. This criminal original petition is allowed in the aforesaid terms.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

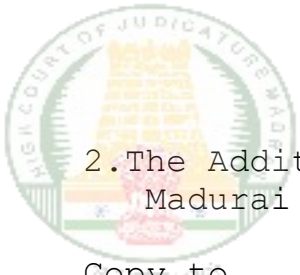
PMU

Encl.: xerox copy of Joint Compromise memo.

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,
AWPS Thilagar Thidal police station,
Madurai South,
Madurai District.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
the Judge,
Family Court, Madurai

+1 CC to M/s.R. VENKATESWARAN, Advocate (SR-19087[F] dated
18/04/2022)

+1 CC to M/s.T. PALANISAMY, Advocate (SR-19485[F] dated
19/04/2022)

Crl.O.P.(MD)No.1883 of 2022
18.04.2022

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TR(19.04.2022) 3P 6C