



## BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP (MD) . No.10858 of 2021

&amp;

Cr1.M.P(MD)No.5521 of 2021

WEB COPY

1.Gopalakrishnan  
2.Hemalatha  
3.Selvamani

....Petitioners/ Accused No.3,4 and 6  
Vs

1.The State represented by  
the Inspector of Police,  
All Women Police Station,  
Ramanathapuram,  
Ramanathapuram District.

... 1<sup>st</sup> Respondent/ Complainant

2.M.Umamaheswari

...2<sup>nd</sup> Respondent/ Defacto Complainant

**PRAYER :-** This Criminal Original Petition filed under Section 482 Cr.P.C.to quash the FIR No.3 of 2021 dated 26.01.2021 on the file of the first respondent against the petitioners/accused-3, 4 and 6 are concerned.

For Petitioner : Mr.Ajmal Khan, Senior Advocate  
for Sakthi Kumaran

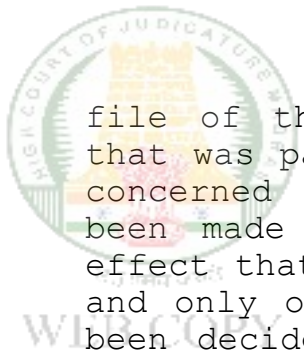
For Respondents : Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)  
for R1  
Mr.R.Gandhi for R2

**ORDER**

The Criminal Original Petition has been filed to quash the FIR No.3 of 2021 dated 26.01.2021 on the file of the first respondent against the petitioners/accused-3, 4 and 6 are concerned.

2.The learned Senior Counsel appearing for the petitioners submitted that the petitioners are the in laws of the 1<sup>st</sup> accused, who is the husband of the 2<sup>nd</sup> respondent herein and the case has been registered in Crime No.3 of 2021. No specific allegation has been made as against the petitioners and the allegation has been made only to the effect that the petitioners have arranged 2<sup>nd</sup> marriage for their son. On that ground, this petition came to be filed.

3.The learned Senior Counsel further submitted that for the allegation as against the in laws with regard to the arrangement and perform the 2<sup>nd</sup> marriage, Sections 147 and 109 of IPC may not attract. It appears that in respect of the matrimonial dispute, already a petition in Cr1.O.P.(MD) No.13666 of 2017 has been filed before this Court to quash the case in C.C.No.234 of 2017 on the



file of the learned Judicial Magistrate No.1, Ramanathapuram and that was partly allowed with regard to the petitioners 2 and 3 are concerned and during the arguments also, specific allegation has been made by the learned counsel for the 2<sup>nd</sup> respondent to the effect that the husband of the 2<sup>nd</sup> respondent performed 2<sup>nd</sup> marriage and only on that ground, the case as against this petitioners has been decided on the basis of the judgment of the Hon'ble Supreme Court in **Preeti Gupta and Another Vs. State of Jharkhand and Another** reported in (2010) 7 SCC 667. It appears that this is the second round of FIR.

(\*)4. Today, when the matter is taken up for hearing, the learned Senior Counsel appearing for the petitioners submitted that the petitioners and the second respondent have been agreed to settle the issue and the petitioners are agreed to pay a sum of Rs.5,00,000/- (Rupees five lakhs only) as compensation to the second respondent, on condition to withdraw the Criminal Revision case filed by the husband of second respondent in CrI.R.C. (MD) No.748 of 2017 on the file of this Court.

5. The learned counsel appearing for the second respondent has no objection to quash Crime No.3 of 2021 in respect of all the accused persons except A1 & A2.

6. Recording the submission of the learned Senior Counsel appearing for the petitioners, Crime No.3 of 2021 on the file of the first respondent police is hereby quashed as against all the accused persons except A1 & A2, on condition that the petitioners shall pay a sum of Rs.5,00,000/- (Rupees five laksh only) on or before 26.08.2022 and the first accused shall withdraw the Criminal Revision Case in CrI.R.C. (MD).No.748 of 2017 pending before this Court. If the petitioners failed to comply with the conditions imposed by this Court, the first respondent is directed to complete the investigation in Crime No.3 of 2021 and file a final report as against all the accused persons.

7. In the result, this petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

(\*)Corrected as per the order dated 11/08/2022  
made in CRL OP(MD). No.10858 of 2021

Sd/-

Assistant Registrar(AS)

// True Copy //

18/08/2022

Sub Assistant Registrar(CS)



TTA

To:

(\*) to be substituted to the order which already despatched on  
30.05.2022

WEB COPY

1. The Judicial Magistrate, Additional Mahila Court,  
Ramanathapuram.
  2. The Judicial Magistrate No.1, Ramanathapuram.
  3. The Inspector of Police,  
All Women Police Station,  
Ramanathapuram,  
Ramanathapuram District.
  4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.SAKTHI KUMARAN, Advocate ( SR-37892

CRL OP(MD) . No.10858 of 2021

&amp;

Cr1.M.P(MD)No.5521 of 2021

Date : 28/03/2022

RD(25.05.2022) 3P 6C

TR(18.08.2022) 3P 6C