



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Wednesday, the Twenty First day of December Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD). No.13395 of 2022
in
Crl.O.P. (MD)No.19040 of 2021

Malarkkodi ... Petitioner/3rd Respondent.

Vs

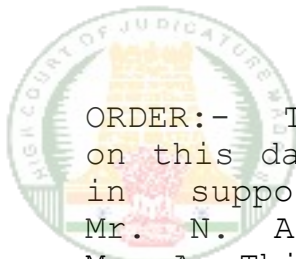
1. The Deputy Superintendent Of Police,
Periyakulam, Theni, Theni District.
2. The Inspector of Police
All Women Police Station,
Periyakulam,
Theni District. Crime No.47 of 2021.
...Respondents/Respondents 1 & 2
3. A.Gurusamy @ Gurusami
4. Vignesh
... Respondents/Petitioner 1 & 2.

Prayer in CRL MP(MD). No.13395 of 2022:-

Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. to recall the order dt.28.2.2021 and consequently restore the case in Crime No.47 of 2021 on the file of the All Women Police Station,Theni to be proceeded in accordance with law.

Prayer in Crl.O.P. (MD)No.19040 of 2021:-

Criminal Original Petition filed Under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.47 of 2021 on the file of respondent police and Quash the same and pass such further orders on this Honourable Court.



ORDER:- This Criminal Miscellaneous Petition coming on for consideration on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N. Ananthapadmanaban, Advocate for the Petitioner and of Mr. A. Thiruvadi Kumar, Additional Public Prosecutor for 1st and 2nd respondents, and of Mr. Ajmal Khan Senior Counsel for Mr. A. Balaji Advocate for the 3rd and 4th Respondents, this Court made the following order:

This petition has been filed to recall the order passed in CrI.O.P.(MD)No.19040 of 2021 dated 28.02.2022, thereby quashing the FIR registered in Crime No.47 of 2021 on the file of the second respondent.

2. The learned counsel appearing for the petitioner submitted that on the complaint lodged by the petitioner, the second respondent registered the FIR in Crime No.47 of 2021, for the offences punishable under Sections 376, 417, 294(b), 506(i) of IPC r/w Section 3(1)(r), 3(1)(s), 3(2)(v) of the SC/ST (Prevention of Atrocities Act) 1989, as against the respondents 3 & 4. While pending the investigation, the first accused agreed to marry the victim and on the pretext of marriage, both the families entered into compromise and filed joint compromise memo before this Court. On the strength of the joint compromise memo, this Court by an order dated 28.02.2022 quashed the FIR registered in Crime No.47 of 2021. After quashment of the FIR, the first accused left the victim in lurch and flew away, for the reason that the victim belongs to schedule caste community. He also stopped providing anythings for her maintenance and he stopped picking up her phone calls and left her on starve for several days together. Therefore, the petitioner filed this petition to recall the order passed by this Court.

3. This Court after ordering notice to the respondents, referred the matter before Mediation Centre for amicable settlement. Even before the mediation, the accused did not come forward to settle the issue and as such this Court is inclined to recall the order dated 28.02.2022, passed by this in CrI.O.P. (MD)No.19040 of 2021

4. Accordingly, the order dated 28.02.2022 passed by this Court in CrI.O.P.(MD).No.19040 of 2021, is hereby recalled.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)

rts/aav

<https://www.mhc.tn.gov.in/judis>



TO

1. The Deputy Superintendent Of Police,
Periyakulam,
Theni, Theni District.
2. The Inspector of Police
All Women Police Station,
Periyakulam,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 COPIES)
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

ORDER DATED : 21/12/2022

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RECALL ORDER

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CRL MP(MD). No.13395 of 2022
in
Crl.O.P.(MD)No.19040 of 2021

Giving direction and etc.
as stated within.

RD(10/01/2023) 3P 8C