



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.16490 of 2021

and

Crl.M.P(MD)No.8894 of 2021

WEB COPY

1.Ajeesh
2.Gopi
3.Santhakumari ... Petitioners/Accused Nos.1 to 3

Vs.

1.The State of Tamil Nadu,
Represented by,
The Sub-Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District. ... 1st Respondent/Complainant

2.Anju ... 2nd Respondent/
Defacto Complainant

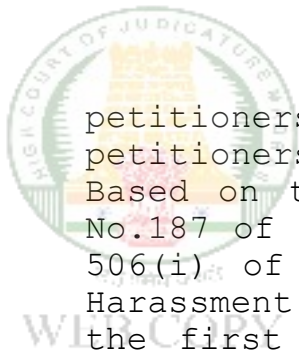
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in C.C.No.243 of 2019 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai and quash the same as against the petitioners are concerned.

For Petitioners	: Mr.N.Kamesh
For R - 1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R - 2	: Mr.P.Pandiarajan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.243 of 2019 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai, as against the petitioners.

2.The case of the prosecution is that the second respondent and one Ajayath are lovers. The first petitioner is the elder brother of Ajayath and the petitioners 2 and 3 are the parents of Ajayath. The said Ajayath made a false promise to marry the defacto complainant and developed love affair and had intercourse with her. Later the defacto complainant got conceived and aborted. The petitioners family members jointly accepted for their marriage, after finishing the first petitioner's marriage. However, the said Ajayath joined in the defense and did not pick up the phone calls from the defacto complainant. On 01.09.2018, there was wordy altercation between the



petitioners and the defacto complainant and she was attacked by the petitioners. Hence, the defacto complainant lodged a complaint. Based on the said complaint, a case has been registered in Crime No.187 of 2018 for the offences under Sections 147, 294(b), 323 and 506(i) of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.243 of 2019 on the file of the learned Judicial Magistrate No.II, Kuzhithurai.

3.While pending trial, the said Ajayanth and the second respondent have entered into an agreement, dated 20.12.2018 and settled the matter amicably. The said settlement agreement has also been enclosed in the typedset of papers.

4.The learned counsel appearing for the second respondent also accepted the same and the second respondent has no objection to quash the entire proceedings.

5.In view of the above, the pendency of C.C.No.243 of 2019 on the file of the learned Judicial Magistrate No.II, Kuzhithurai would not serve any purpose, since the parties have settled their issues amicably.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.243 of 2019 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, is quashed. The said agreement, dated 20.12.2018 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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.

ENCL:Xerox Copy of Settlement Agreement dated 20.12.2018



To

1.The Judicial Magistrate No.II,
Kuzhithurai.

2.The Sub-Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.

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

Order made in
Crl.O.P (MD) No.16490 of 2021
11.03.2022

SAR(CO)
GC(25.03.2022) 3P 4C