



Crl.OP(MD).Nos.17494 & 17498 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)Nos.17494 & 17498 of 2022

1.Selvi
2.Gopala Krishnan
3.Hemalatha ...Petitioners in Crl.O.P.(MD)No.17494/2022

1.Meena @ Muthu Meena @ Meenakshi
2.Muthu Krishnan
3.Rajalakshmi
4.Premkumar
5.Vivek
6.Bharath ...Petitioners in Crl.O.P.(MD)No.17498/2022

Vs.

1.The State rep by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Crime No.53 of 2022)

2.Meena @ Muthu Meena @ Meenakshi ... Respondents
in Crl.O.P.(MD)No.17494/2022

1.The State rep by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District. (Crime No.53 of 2022)



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2.Hemalatha

...Respondents in Crl.O.P.(MD)No.17498/2022

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COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the proceeding in Crime Nos.53 and 54 of 2022 on the file of the Inspector of Police, Koodal Pudur Police Station, Madurai City and quash the same as against the petitioners.

In Crl.O.P.(MD)No.17494 of 2022:

For Petitioners	: Mr.P.Saravanan
For R1	: Mr.B.Nambi Selvan Additional Public Prosecutor
For R2	: Mr.T.Arivalagan

In Crl.O.P.(MD)No.17498 of 2022:

For Petitioners	: Mr.T.Arivalagan
For R1	: Mr.B.Nambi Selvan Additional Public Prosecutor
For R2	: Mr.P.Saravanan

ORDER

This petition has been filed to quash the Crime Nos.53 and 54 of 2022 on the file of the Inspector of Police, Koodal Pudur Police Station, Madurai District.



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2.The case of the prosecution in both the cases is that one Meena, who is the complainant in Crime No.53 of 2022, was running a chit fund company from April 2020 with 20 members. In the said Chit company, one Selvi became a subscriber for two chits and borrowed a sum of Rs.70,000/-. Initially, she had paid four instalment regularly without fail. Thereafter, she failed to pay the instalment in time. When the same was demanded, she stated that because of corona pandemic, she was not in a position to mobilise fund. Again when the demand was made, the said Selvi criminally intimidated Meena and also refused to pay the instalment. On 10.02.2022, at about 9.30 a.m., the above said Selvi along with her family members, came to the house of Meena and demanded the money and also assaulted Meena with a stick. In the aforesaid occurrence, the air stud of Meena was found missing and the Thali Chain was also snatched. On hearing the noise, the husband of Meena came to the place and he was also assaulted. Thereafter, Meena along with her relative came to the house of Selvi and assaulted and criminally intimidated Selvi and her children. Hence, the complaint and the counter complaint were registered.



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3. In Crl.O.P.(MD)No.17498 of 2022 the contention of the petitioners and the second respondent is that based on the complaint lodged by the second respondent in respect of the above said occurrence, the first respondent registered First Information Report in 53 of 2022 for the offences punishable under Sections 147, 324, 392, 394 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners.

4.In Crl.O.P.(MD)No.17498 of 2022, the contention of the petitioners and the second respondent is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in 54 of 2022 for the offences punishable under Sections 147, 294(b), 448, 323, 324, 354, 506(2) and 379 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners.



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5.The further contention of the petitioners in both petitions is that they compromised the issue with the complainant in both petitions amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the second respondent in both petitions and also by their respective counsels.

6.The petitioners and the second respondent in both petitions appeared in person before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the respondent police. Both the parties were enquired by Me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

7.During the enquiry with the parties, the defacto complainant has stated that the Thali Chain which is alleged to have been taken by the accused persons were found in the place itself. Hence, the offence under Section 379 IPC is not made out, because of the above said admission made by the defacto complainant. No previous bad antecedents were reported against the accused persons in both petitions.



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8.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 28.09.2022, this Court is of the opinion that no useful purpose will be served by keeping the matter pending.

9.In the result, these Criminal Original Petitions stand allowed and the entire proceeding in Crime Nos.53 and 54 of 2022, pending on the file of the Inspector of Police, Koodal Pudur Police Station, Madurai District, is hereby quashed in respect of the petitioners in both petitions and the terms of joint compromise memo shall form part of this order.

30.09.2022

Index : Yes/No
Internet: Yes
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To

- 1.The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

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