



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.02.2022

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**CrI.O.P.(MD)No.22478 of 2018**

**and**

**CrI.M.P(MD) .Nos.10553 and 10554 of 2018**

(Through video Conference)

Rajmohan

.. Petitioners/Accused No.1

Vs.

1.State rep. by,  
The Inspector of Police,  
Srirangam All Women Police Station,  
Srirangam, Trichirappalli District.  
(Crime No.12/2015)

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

2.Meenakumari

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

**PRAYER:** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of the learned Judicial Magistrate/Additional Mahila Court, Trichirappalli in C.C.No.53 of 2016 and quash the same as against the petitioner.

For Petitioner : Mr.S.Deenadhayalan

For R1 : Mr. A.Thiruvadi Kumar  
Additional Public Prosecutor

For R2 : Mr.Sarvagan Prabhu

**O R D E R**

Due to matrimonial dispute, a criminal case has been initiated against the petitioner, who is the husband of the defacto complainant as well as the parents of the petitioner. The parents of the petitioner, who were arrayed as A2 and A3 in the said complaint filed CrI.O.P.(MD).No.1074 of 2018 to quash the same. In that petition, the defacto complainant and the petitioners had filed a joint compromise memo stating that they have agreed to settle the matter amicably and therefore, there is no necessity to proceed with the complaint, which is the subject matter in C.C.No.53 of 2016.



2. Recording the same, this Court in Crl.O.P.(MD).No.1074 of 2018 quashed the criminal prosecution against A2 and A3, namely, Dr.V.Duraisamy and Saroja, who are the parents of the present petitioner and parents-in-law of the defacto complainant.

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3. The learned counsel for the petitioner would submit that the petitioner herein, who was at abroad at that point of time, had filed this quash petition separately in view of the joint compromise memo and the divorce granted in H.M.O.P.38 of 2016 on the file of the Family Court, Trichy. Since the defacto complainant had already expressed her disinterest in prosecuting the petitioner herein and filed memo, the case pending against him also to be quashed.

4. This Court, on perusal of the joint compromise memo filed in Crl.O.P.(MD).No.1074 of 2018 signed by the defacto complainant, understand that the defacto complainant had already withdrawn the matrimonial case in M.C.No.832 of 2014 on the file of the learned Judicial Magistrate, Additional Mahila Court, Trichy on 14.11.2016 and decree of divorce was also granted on the same day in H.M.O.P.38 of 2016 and she has expressed her consent not to pursue her complaint in C.C.No.53 of 2016.

5. In view of the above fact, this Court is of the view that there is nothing survives to prosecute the petitioner herein in the said criminal case and therefore, the same is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.53 of 2016 on the file of the learned Judicial Magistrate/Additional Mahila Court, Trichirappalli is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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 Judicial Magistrate/Additional Mahila Court, Trichy

2. The Inspector of Police,  
Srirangam All Women Police Station,  
Srirangam,  
Trichirappalli District.

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

**CrI.O.P. (MD) No.22478 of 2018**  
**02.02.2022**

SB (CO)  
TR(14.02.2022) 3P 4C