



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1782 of 2023

WEB COPY

1.Ramarpandiaraja
2.Subramanian
3.Rajathi

...Petitioners/ACCUSED No.1 TO 3

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Aruppukottai, Virudhunagar District.
(Cr.No.31 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.31 of 2022 on the file of the respondent Police.

For Petitioners : Mr.C.Arul Vadivel @ Sekar
for Mr.B.Senthil Nathan

For Respondent : Mr.A.Albert Jams
Government Advocate (Crl.side)

For Intervenor : Mr.V.Paneerselvam

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498-A, 323 and 354(c) of IPC and Section 4 of TNPHW Act in Crime No.31 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The learned Counsel for the petitioners would submit that during the pendency of this petition, the parties have compromised the matter and they have also filed a Joint Memo of Compromise, wherein, the de-facto complainant has agreed to withdraw the complaint against the petitioners and the first petitioner has also agreed to withdraw the H.MO.P. filed on the file of the Family Court, Virudhunagar District. The Joint Memo of Compromise, dated 27.02.2023, is extracted hereunder:

"1.It is submitted that the 1st Respondent had registered an F.I.R in Crime No. 31 of 2022 dated 31.12.2022 for the offence U/s. 498-(A), 323, 354(c) IPC and Sec. 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 on the basis of the Complaint lodged by the Respondent herein.



2. It is submitted that the fact remains that the marriage between the 1st Petitioner herein and the 2nd Respondent was solemnized on 01.06.2022. It is submitted that pursuant to the matrimonial discord, the relationship between the couples got strained resulting in allegations and counter allegations and subsequently the present F.I.R as well. It is submitted that at present matrimonial dispute, had been presently resolved at the intervention of the elders and family members. It is submitted that admittedly the 2nd Respondent herein had lodged the present complaint as an outburst to the matrimonial discomfort which arose in her family and at present pursuant to the compromise, the parties have reunion and they decided to live together happily and set up a nuclear family as such a quietus is arrived at to the dispute. It is submitted that due to the compromise had been entered between the 1st Petitioner and the 2nd Respondent herein the 1st petitioner had withdrew the I.A.No: 2012/ 22 in Unnumbered H.M.OP. of 2022 on 22.02.23 on the file of the Family Court, terms which the parties duly undertake to abide.

3. It is submitted that in view of the present development no purpose would be solved in proceeding with the Investigation and Trial more pertinently when the parties have compromised the dispute and have agreed to live together. It is submitted that the further continuation of the Investigation and Trial is a futile exercise. It is submitted that at present the dispute between the parties have been resolved and the compromise arrived at on either side in the present Anticipatory bail Petition by the parties is genuine and voluntary.

4. It is therefore, humbly prayed that this Hon'ble Court may be pleased to accept the present Joint Compromise Memo and QUASH THE F.I.R in No. 31 of 2022 dated 31.12.2022 on the file of the Inspector of Police, All Women Police Station, **(*)Aruppukottai**, Virudhunagar District pursuant to the compromise arrived at by the parties and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

It is therefore, humbly prayed that this Hon'ble Court may be pleased to accept the present Joint Compromise Memo and QUASH THE F.I.R in Cr.No.31 of 2022 dated 31.12.2022 on the file of the Inspector of Police, All Women Police Station, Aruppukottai, Virudhunagar District pursuant to the compromise arrived at by the parties and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."



3.The learned Counsel for the intervenor would submit that the de-facto complainant would withdraw the complaint against the petitioners.

4.The learned Government Advocate (crl.side) would submit that in view of the representation made by the learned Counsel for the intervenor that the de-facto complainant would withdraw the complaint, there is no apprehension of arrest and he would also submit that when the de-facto complainant gives a letter seeking to withdraw the complaint, the respondent Police will close the complaint.

5.In view of the above, this petition stands disposed of with a direction to the respondent Police to close the complaint within a period of one week from the date of receipt of a letter from the de-facto complainant for withdrawing the complaint. The Joint Memo of Compromise shall form part of this order.

sd/-

27/02/2023

(*)Amended as Per Order of this Court dated 12/04/2023 in CrI.MP (MD).5883/2023 in CrI.OP(MD).1782/2023 by GKIJ.

/ TRUE COPY /

/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

encl: xerox of Joint Compromise memo

TO

TO BE SUBSTITUED WITH THE ORDER DATED 27/02/2023 ALREADY DESPATCHED

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHILNATHAN.B Advocate SR.No.3000

ORDER

IN

CRL OP(MD) No.1782 of 2023

Date :27/02/2023

SS/CG/SAR I/13/03/2023/3P/4C

SJI

SS/MMS/SAR.3/02.05.2023/3P/4C