



Crl.O.P.(MD)No.11534 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11534 of 2023

1. S.SankaranainarMoorthy

2. Sankaran

.... Petitioners/ Accused No.1 &2

Vs.

1. The State Representation by
The Inspector of Police,
All Women Police Station,
A.W.P.S. Pudukottai,
Thoothukudi District
(In Crime No: 06 of 2015)

..... Respondent No.1/ Complainant

2.Gomathi

.. Respondent No.2/ Defacto – Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected to the impugned Charge Sheet in C.C.No.38 of 2017 on the file of Learned Judicial Magistrate Court-III, Thoothukudi and quash the same.

For Petitioner : M/s. Henri Tiphagne

For R1 : Mr. B. Nambiselvan
Additional Public Prosecutor

For R2 : Mrs.S.Anusha



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No. 38 of 2017 pending on the file of the learned Judicial Magistrate Court III, Thoothukudi.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.6 of 2015 for the offences punishable under Sections 498(A), 494, 406 and 506(i) of IPC, against the petitioner. It appears that there is a family dispute issue between the parties.

3.The further contention of the petitioner is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioner and the 2nd respondent and also by their respective counsels.

4. The defacto complainant is present before this Court. She stated that she has settled the issue by receiving a sum of Rs.12 Lakhs as one time permanent alimony from the first accused / husband. They had one female child and that child had unfortunately, died. She is ready to settle the issue. She assured that she will not make any further claim either against the first accused or against the children and second wife of the first accused.



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5. The petitioner and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 23.06.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in C.C.No.38 of 2017 on the file of Learned Judicial Magistrate Court-III, Thoothukudi, in respect of the petitioner.

7. In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.38 of 2017 on the file of Learned Judicial Magistrate Court-III, Thoothukudi, is hereby quashed in respect of the petitioner alone. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

27.06.2023

NCC : Yes / No

Index : Yes/No

Internet: Yes/No

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G.ILANGO VAN, J.,

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To

1. The Judicial Magistrate No.III,
Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
A.W.P.S. Pudukottai,
Thoothukudi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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