



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Ninth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11283 of 2022

IN

CRL OP(MD) No.19214 of 2021

KALIMANI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

... RESPONDENT NO.1/COMPLAINANT

2 MARIMUTHU

3 DEVI

4 PACKIYA

... RESPONDENT NOS.2 TO 4/ACCUSED NOS.1 TO 3

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the pre-arrest bail granted by this Honble Court in Crl.OP.(MD).No.19214 of 2021 dt.01.02.2022 and direct all the accused be arrested and to commit to custody.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KARUPPASAMY PANDIYAN G, Advocate for the petitioner and of MR.R.SURESH KUMAR, Government Advocate(Crl.side) on behalf of the 1st Respondent and M/S.K.APPADURAI, Advocate for the respondents 2 to 4, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted by this Court in Crl.O.P(MD) No.19214 of 2021 dated 01.02.2022 and direct all the accused be arrested and to commit to custody.

2. The facts in brief:

Originally Crl.O.P(MD) No.19214 of 2021 was filed by the accused Nos.1 to 3 seeking anticipatory bail application and they were facing charges under Section 294(b), 324, 355, 379(NP), 427, 452 and 506(ii) of IPC in Crime No.504 of 2021. It was the dispute between the husband and wife. It was alleged that because of the matrimonial issue, the wife left the matrimonial home and

<https://www.courtney.in/judis>



accused / petitioner was trespassed into the house of the complainant and caused assault. Over the above said occurrence, the case was registered.

3. At the time of moving the anticipatory bail application in Crl.O.P(MD) No.19214 of 2021, it was submitted before this Court that the matter was compromised between the parties. After that this petition has been filed on the ground that wrong information has been given for the purpose of obtaining the anticipatory bail.

4. It is the case of dispute between the husband and wife and because of the matrimonial issue, the occurrence said to have taken place. Notice was ordered to the respondent and he appeared through Advocate. The matter was referred to the Mediation Centre and the report has been received from the centre stating that compromise has been reached between the parties.

5. The learned counsel for the defacto complainant would submit that even though there is compromise between the parties, the husband failed to comply the terms of compromise. According to him, the above said terms did not materialise. For the purpose of knowing the terms of compromise, again the parties were directed to appear before the Mediation Centre. Again the parties appeared before the Mediation Centre. Finally it was submitted before the Court that no conclusion could be reached between the parties.

6. Now the learned counsel for the petitioner / husband would say that his wife was raising new demands and absolutely there is no possibility of settlement. On that ground, the matter was heard and the present order has been passed.

7. Perusal of record shows that at one point of time, husband agreed to execute the settlement deed in favour of children, but later some thing went wrong between them. Since it is the matrimonial issue, responsibility must be taken by the petitioner and as well as the respondent for making settlement. Even though, the ground of granting anticipatory bail was stated to be the compromise, later which turned out true, even on the facts and merits, some of the penal provisions are bailable in nature. Considering the fact that it is the dispute between the husband and wife, I find absolutely no reason to cancel the anticipatory bail that was granted to the respondent.

8. The learned Government Advocate (Crl.Side) would submit that investigation has been completed and Final Report has been filed before the trial Court.

9. In the light of the above said development, I find no reason to cancel the anticipatory bail. The trial can be taken to its logical conclusion.



10. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
09/02/2023

WEB COPY

/ TRUE COPY /

/02/2023

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

indu

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.7431(f)

ORDER
IN
CRL MP (MD) No.11283 of 2022
IN
CRL OP (MD) No.19214 of 2021
Date :09/02/2023

RK/BUC/SAR-1 (20/02/2023) 3P/6C