



CrI.O.P.(MD)No.19730 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.09.2023**

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.19730 of 2021

and

CrI.M.P(MD).Nos.11082 and 11083 of 2021

S.Sriram Prasath

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

2.V.Saraswathy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in C.C.No.104 of 2021 on the file of the Judicial Magistrate Court No.1, Kovilpatti, Thoththukudi District in Crime No. 1108 of 2020 dated 29.10.2020 under Sections 341, 294(b), 506(2) of IPC and 4 TN Prohibition of Harassment of Women Act, 2002 on the file of the first respondent and quash the same as illegal.



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For Petitioner : Mr.I.Pinaygash
For R1 : Mr.Mr.Meenakshi Sundaram
Additional Public Prosecutor
For R2 : Mr.D.Srinivasaraghavan

ORDER

This petition has been filed to call for the records pertaining to the impugned charge sheet in C.C.No.104 of 2021 on the file of the Judicial Magistrate Court No.1, Kovilpatti, Thottukudi District in Crime No. 1108 of 2020 dated 29.10.2020 under Sections 341, 294(b), 506(2) of IPC and 4 TN Prohibition of Harassment of Women Act, 2002 on the file of the first respondent and quash the same as illegal.

2. The case of the prosecution is that the second respondent, namely, Saraswathy is residing at Raja Sri Nagar and working as a teacher in KRA school and Rengasamy and Srinivasan, are the brothers of the defacto complainant. On 28.10.2020, at about 03.00 p.m, the petitioner herein called the defacto complainant over phone and also abused her, as to why she had posted unparliamentary words about his mother in the facebook. The defacto complainant/second respondent informed the act of the petitioner to her brothers. On 29.10.2020 at about 01.00 p.m, the defacto complainant along with her brothers were



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proceeding near Krishna Nagar, at that time, the petitioner came there and abused them and also threatened them. Therefore, the defacto complainant gave a complaint against the petitioner and the same was registered in Crime No.1108 of 2020 for the offences under Sections 341, 294(b), 506 (2) of IPC and 4 of TN Prohibition of Harassment of Women Act, 2002. After investigation, the respondent police filed final report before the Judicial Magistrate Court No.I, Kovilpatti and the same taken on file in C.C.No.104 of 2021.

3. The learned counsel for the petitioner submitted that the petitioner is a Diploma holder and he is writing competitive exams conducted by Tamil Nadu Public Service Commission. The petitioner's friend, namely, Vigneshwaran and the defacto complainant's sister's daughter, namely, Srinithi Priya had love marriage against the wish of the defacto complainant. The said love marriage was arranged by this petitioner and his friends. The defacto complainant opposed, got agitated against the said love marriage, to wreak vengeance, she posted the unparliamentary posts against the petitioner's mother in the facebook and also gave a false complaint against the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that based upon the complaint given by the defacto complainant/second respondent registered a case against the petitioner, during the course of investigation, 8 witnesses were examined as L.W.1 to L.W.8. He further submitted that the investigation completed and final report filed before the learned Judicial Magistrate No.2, Kovilpatti and now, the case is pending.

5. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant got resolved the issue, difference of opinion between them and now, entered into a compromise, filed a joint compromise memo, dated 29.09.2023, and the same was produced before this Court.

6. A perusal of records, it is seen that the petitioner's friend, namely Vigneshwaran and the defacto complainant's sister's daughter, namely, Srinithi Priya had love marriage against the wish of the defacto complainant. The said love marriage was arranged by this petitioner and his friends. The defacto complainant opposed and agitated against the said love marriage and to wreak vengeance, she posted the harsh words against the petitioner's mother in the facebook and also gave a complaint



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against the petitioner.

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7. The second respondent is present before this Court and she submitted that the issue between the petitioner and defacto complainant settled amicably. A joint memo of compromise filed, which is duly signed by the petitioner and the 2nd respondent and by their respective counsels. Today all confirmed the same.

8. The petitioner and the 2nd respondent appeared before this Court along with their counsels and they were identified by the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Joint Compromise Memo, dated 29.09.2023, is recorded.

9. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and in view of the Joint Compromise Memo, dated 29.09.2023, this Court is of the view that no useful purpose will be served by keeping the case pending and hence, this Court is inclined to quash all further proceedings in C.C.No.104 of 2021 on the file of Judicial Magistrate Court No.1, Kovilpatti, Thoothukudi District.



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10. In the result, this Criminal Original Petition stands allowed and the entire proceedings in C.C.No.104 of 2021 on the file of Judicial Magistrate Court No.1, Kovilpatti, Thoothukudi District, is hereby quashed. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order. It is made clear that it is a private dispute arisen out of emotion and therefore, the above said case cannot be referred against the petitioner hereafter in any manner at any circumstances. The petitioner is absolved of all charges and further, it is made clear that the above case will not affect petitioner's career and employment in any manner. Consequently, the connected Criminal Miscellaneous Petitions are closed.

29.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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- 1.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
2. The Judicial Magistrate Court No.1,
Kovilpatti, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J

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