



CrI.O.P(MD)No.16159 of 2018

CrI.O.P(MD)No.16159 of 2018

WEB COPY

K.K.RAMAKRISHNAN, J.

This matter is listed today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that in the third and fourth paragraphs of the order dated 06.04.2023, there are some typographical error regarding the name of the petitioner's husband and the name of the power agent of the defacto complainant.

3. Heard the submissions of the learned counsel for the petitioner.

4. On perusal of the order dated 06.04.2023, it could be seen that there are some typographical error as stated above. Hence, the Registry is directed to delete the third paragraph (3rd page) and fourth paragraph (5th page) in the order, dated 06.04.2023 and reissue the order with correct paragraph numbers in the order as follows:

“3.The petitioner Thiruvani filed the D.V.C.No.01 of 2020 on the file of the learned Judicial Magistrate, Pattukkottai against the defacto complainant in C.C.No.193 of 2018.

6.Today, when the matter was taken up for hearing, the defacto complainant's power agent viz., Devi Meenakshi



Crl.O.P(MD)No.16159 of 2018

WEB COPY

and the petitioner also appeared before this Court and affirmed the terms of the compromise.”

5. The other paragraphs of the order, dated 06.04.2023 shall remain intact.

27.04.2023

PJL

Note:Issue order copy on 28.04.2023.

Crl.O.P(MD)No.16159 of 2018



WEB COPY



CrI.O.P(MD)No.16159 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CrI.O.P.(MD) No.16159 of 2018
and
CrI.M.P(MD)Nos.7164, 7165 of 2018

Thiruveni
Accused

.. Petitioner/Sole

Vs

1. The State rep. By
The Inspector of Police,
District Crime Branch,
Thanjavur,
Thanjavur District
Crime No.02 of 2017.

.. 1st Respondent/Complainant

2. Ramesh Ganesh

.. 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the Charge Sheet in C.C.No.193 of 2018 for the



CrI.O.P(MD)No.16159 of 2018

WEB COPY

alleged offence under sections 406, 419, 468, 471, and 420 of IPC on the file of the learned Judicial Magistrate No.I, Thanjavur and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.T.Sathiyaseelan

For R1 : Mr.M.Muthumanikkam
Government Advocate (Criminal side)

For R2 : Mr.I.Robert Chandrakumar

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.193 of 2018, for the alleged offence under sections 406, 419, 468, 471 and 420 of IPC, on the file of the learned Judicial Magistrate No.I, Thanjavur.

2. The petitioner is the wife of deceased Karthikeyan. The second respondent/defacto complainant is the brother of the said Karthikeyan. The defacto complainant made a complaint before the first respondent Police alleging that the petitioner had manipulated the signature of the deceased Karthikeyan in the nomination form and submitted the same to the Bank. Hence, the first respondent has registered a case for the alleged offence under



Crl.O.P(MD)No.16159 of 2018

Sections 406, 419, 468, 471 and 420 of IPC.

WEB COPY

3. During the life period of the said Karthikeyan, the petitioner has given complaint and the said complaint was taken on file in C.C.No.193 of 2018 on the file of the Judicial Magistrate No.I, Thanjavur and D.V.C.No.01 of 2020 on the file of Judicial Magistrate Court, Pattukottai, against him.

4. Now, the parties have decided to compromise the dispute amicably among themselves in the following terms.

“The petitioner and the 2nd respondent agree to compromise this case as here under:-

1. The petitioner agrees to pay a sum of Rs.30,00,000/- to the 2nd respondent out of which the petitioner agrees to transfer a part amount of Rs.17,00,000/- from two Savings bank accounts (i.e., IOB A/c.No.0088010035987, SBI A/c. No.10349493290) of her husband to the 2nd respondent. Regarding the remaining amount of Rs.13,00,000/-, the petitioner agrees to allot the said amount of Rs. 13,00,000/- from her share that may be allotted in the 'D to I-schedule' of the description of properties in partition suit O.S.No. 24/2020 pending before the II-Additional District Judge, Thanjavur (between the petitioner, 2nd respondent and others) to the 2nd respondent in addition to the actual share that would be allotted to the 2nd respondent in the said 'D to I-schedule' of the partition suit O.S.No.24/2020 pending before the II-Additional District Judge



Crl.O.P(MD)No.16159 of 2018

WEB COPY

Thanjavur. If there is lesser amount or difference of amount in those schedule, the balance will be paid by the petitioner Thiruveni by way of adjustment in the said suit at the time of allotment of her share.

2. The 2nd respondent withdraws the criminal case against the petitioner in C.C.No.193 of 2018 on the file of the Judicial Magistrate No.II, Thanjavur.

3. The petitioner withdraws the Domestic violence case in D.V.C.No.01/2020 on the file of the Judicial Magistrate, Pattukkottai.

4. The right of both the parties on the properties will be decided in the civil court and parties will abide by it.”

3. It is represented by the learned counsel for the second respondent that now, the defacto complainant/Ramesh Ganesh is working in America and he had executed a power deed in favour of his sister Devi and appointed her as his Power Agent. He had authorized his sister to enter into compromise and perused the compromise memo and also directed her to file the compromise memo.

4. Today, when the matter was taken up for hearing, the defacto complainant's power agent viz., Devi and the petitioner also appeared before this Court and affirmed the terms of the compromise.



Crl.O.P(MD)No.16159 of 2018

WEB COPY

5. The Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) 10 SCC 303 and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in (2017) 9 SCC 641 were laid the guidelines for recording compromise for non-compoundable offence.

6. In view of the compromise memo filed between the parties and nature of relationship between the parties and also in the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, the proceedings in C.C.No.193 of 2018 pending before the Judicial Magistrate No.I, Thanjavur, is quashed with a condition to the petitioner to deposit a sum of Rs.25,000/- to the Women Lawyers Association attached to the Madurai Bench of Madras High Court, Madurai and another sum of Rs.25,000/- to the Madurai Bench High Court Advocates Association and the President and Secretary of the Association concerned, is directed to utilise the above amount for making subscription for the poor advocates under the scheme of Advocate Welfare Life Fund. The terms of joint compromise memo shall form part and parcel of this order.



CrI.O.P(MD)No.16159 of 2018

WEB COPY

7. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.193 of 2018 pending before the Judicial Magistrate No.I, Thanjavur is quashed. Consequently, connected miscellaneous petitions are closed.

8. It is represented by the learned Senior counsel for the petitioner that during the pendency of the investigation, the investigation officer passed an order of freezing the account in two account numbers *i.e., IOB A/c.No. 0088010035987, Indian Overseas Bank, South Street, Thanjavur and SBI A/c. No. 10349493290, State Bank of India, VOC Nagar Branch, Thanjavur* and in view of the said order, the accounts are kept in abeyance.

9. Hence, this Court, as sequel to the quashing of the criminal case in C.C.No.193 of 2018, hereby directed the respective Bank authorities to defreeze the bank accounts and release the amount to the defacto complainant within 15 days from the date of production of this order without raising any clarification. Since the bank is not a party to the proceedings, Registry is directed to mark a copy of this order to the Bank authorities viz., the Manager, Indian Overseas Bank South Street, Thanjavur and the Manager, State Bank of



CrI.O.P(MD)No.16159 of 2018

India, VOC Nagar Branch, Thanjavur.

WEB COPY

06.04.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

PJL

To

1. The Inspector of Police,
District Crime Branch, Thanjavur,
Thanjavur District.

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

3. The Manager,
Indian Overseas Bank South Street,
Thanjavur.(A/c.008801000035987)

4. The Manager,
State Bank of India,
VOC Nagar Branch,
Thanjavur.(A/c.10349493290)



WEB COPY



Crl.O.P(MD)No.16159 of 2018

K.K.RAMAKRISHNAN, J.

PJL

**ORDER IN
Crl.O.P.(MD) No.16159 of 2018
and
Crl.M.P(MD)Nos.7164, 7165 of 2018**

06.04.2023