



Crl.O.P.(MD) Nos.16747 of 2018
& 15907 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM

THE HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

Crl.O.P.(MD) Nos. 16747 of 2018 & 15907 of 2020
and
Crl.M.P.(MD)Nos. 7419, 7420 of 2018 & 7830 of 2020

1. Ramesh @ Shajakhan
2. Latha @ Lalia Banu
3. Oomaithurai @ Alavudeen
4. Umaiammal @ Ummusalima
5. Raja @ Hajamaideen ... Petitioners /Accused Nos.1 to 5
in Crl.O.P.(MD)No.16747 of 2018

Amer Ali ... Petitioner /Accused No.6
in Crl.O.P.(MD)No.15907 of 2018

Vs.

1. State,
represented by the Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
(Crime No. 8 of 2016) ... 1st respondent / Complainant in
both the cases

2. Priyanka ... 2nd respondent / defacto complainant
both the cases



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PRAYER in Crl.O.P.(MD)No.16747 of 2018 : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the C.C.No.156 of 2018, pending of the file of the learned Judicial Magistrate No.I, Ramanathapuram and quash the proceedings as against the petitioners herein.

PRAYER in Crl.O.P.(MD)No.15907 of 2020 : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the C.C.No.301 of 2019, pending of the file of the learned Additional Mahila Court, Ramanathapuram and quash the proceedings as against the petitioner herein.

In both cases:

For Petitioner	: M/s.N.S.Karthikeyan, B.Ramanathan
For R-1	: Mr.M.Muthumanikkam Government Advocate(Crl.side)
For R2	: Mr.T.Thirumurugan

COMMON ORDER

Crl.O.P.(MD)No.16747 of 2018 has been filed to quash the proceedings in C.C.No.156 of 2018, pending of the file of the learned Judicial Magistrate No.I, Ramanathapuram, by the Accused No.1 to 5 in



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the above CC number wherein the petitioners are said to have committed offence under Sections 498A, 406 IPC and Section 4 of Dowry Prohibition Act.

2. *Crl.O.P.(MD)No.15907 of 2020* has been filed to quash the proceedings in C.C.No.301 of 2019, pending on the file of the learned Additional Mahila Court, Ramanathapuram, (original C.C.No.156 of 2018 on the file of the Judicial Magistrate No.I, Ramanathapuram).

3. Since both these cases are emanated from the single Crime No.8 of 2016 on the file of first respondent police, these two cases are taken up together for hearing and disposed of by way of this common order.

4. The defacto complainant/second respondent is the wife of the first petitioner in Crl.O.P(MD)No.16747 of 2018 and the remaining petitioners are her in-laws. She made the complaint that they harassed her and caused cruelty and also demanded dowry and hence the respondent police registered the case for the alleged offence under Sections 498A, 406 IPC and Section 4 of the Dowry Prohibition Act and after completion of the investigation, the respondent police filed the final report before the learned Judicial Magistrate No.I, Ramanathapuram and the same was



taken on file in C.C.No.156 of 2018 and subsequently, the same case was transferred to the Judicial Magistrate, Additional Mahila Court, Ramanathapuram. The petitioners filed these petitions on the ground that the allegations are not true and the offence was not made out upon consideration of the entire documents as well as the statement of the witnesses annexed in the final report.

5. When the matter is taken up for hearing today, both parties are present before this Court and they represented that they have settled the issue amicably and entered into a compromise and filed a joint compromise memo before this Court. Further, they requested this Court to quash the proceedings on the basis of the above said compromise considering their relationship.

6. On the side of the prosecution, the officer attached to the respondent police identified the parties and they ascertained the above compromise without any coercion and they have no objection in quashing the criminal case pending before the Court below.

7. The Joint Compromise memo is extracted hereunder:

“It is submitted that both the parties hereby enter into



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compromise and agree on the following terms.

1. It is submits that on the basis of the complaint given by the 2nd Respondent, the FIR has been registered in Crime No.8 of 2016 on the file of the Respondent No.1 against the Petitioners/Accused No.1 and 5 and one Ameer Ali for the offences U/s.498(A), 406 of IPC and section 4 of Dowry Prohibition Act and Charge sheet has been laid before the Judicial Magistrate No.1, Ramanathapuram in C.C.No.156 of 2018 and subsequently transferred and renumbered as C.C.No.301 of 2019 on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram and the same is pending.

2. It is submits while so, due to the intervention of family elders now both the parties are agree for compromise by the following terms and condition.

i. The 2nd Respondent is agreed to receive a sum of Rs. 10,00,000/- (Ten Lakhs Only) as life time alimony for her and for the male child namely Udayakumar and the 2nd Respondent will not claim any maintenance in future for herself and her minor child.

ii. The 2nd respondent has no objection to quash the case in C.C.No.301 of 2019 on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram pending against the accused persons including the Accused No.6 namely Ameer Ali, who is the Petitioner in Crl.O.P.(MD). No. 15907 of 2020.

iii. The 1st Petitioner has no objection about the 5-3/4 sovereign chain, which is in the custody of 2nd Respondent and he will not claim the same and the 1st petitioner is agree to return back the house hold articles.

iv. The 2nd Respondent is also agreed not to take



any further steps to proceed with order passed in M.C.No. 2 of 2019 on the file of the Munsif Kadaladi dated 02.12.2022, since life time alimony is received.

v. That the 1st Petitioner is agreed to pay the entire lifetime alimony sum of Rs.10,00,000/- (Ten Lakhs Only) to the 2nd Respondent on or before 10.03.2023.

vi. That the 1st Petitioner is agreed to give no objection for grant of divorce to the 2nd Respondent under Hindu Marriage Act and he has no objection either to allow the petition filed by the 2nd Respondent to that effect in C.M.P. (MD).No.7770 of 2022 in S.A.(MD).Sr.No. 52372 of 2022 pending before this Hon'ble Court against the order passed in A.S.No.26 of 2018 dated 18.02.2020 on the file of the Sub-Court, Mudukulathur in O.S.No.21 of 2016 dated 25.04.2018 or any order would passed by this Hon'ble Court in that Second Appeal.

vii. It is respectfully submit that the Petitioners as well as the Respondent No.2 were agreeing the above said condition without any undue influence, coercion and threat and there is no further claim by both parties with regard to this issue.

Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to record this Joint Compromise Memo as part and parcel of the quash petition and quash the case in impugned Charge Sheet in C.C.No.301 of 2019 on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram and quash the same as illegal”.

8. The defacto complainant is the wife of the first petitioner in



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Crl.O.P.(MD)No.16747 of 2018 and she entered into compromise and requested this Court to quash the proceedings as she has settled the issue for the welfare of their family and hence, this Court, considering the nature of the matrimonial dispute and also the same was compoundable as per the guidelines issued by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujath)**, in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.301 of 2019, pending of the file of the Additional Mahila Court, Ramanathapuram.

9. Accordingly, these petitions are allowed. The criminal proceedings in C.C.No.301 of 2019, [C.C.No.156 of 2018 was transferred from the file of the learned Judicial Magistrate No.I, Ramnathapuram and renumbered as C.C.No.301 of 2019] pending on the file of the learned Additional Mahila Court, Ramanathapuram is hereby quashed. The joint compromise memo is recorded as part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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10.03.2023



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Note: Issue order copy on 27.04.2023

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To

1. The Additional Mahila Court,
Ramanathapuram.
2. The Judicial Magistrate Court No.I,
Ramanathapuram.
3. The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN., J.

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Common Order made in
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