



Crl.O.P.(MD).No.521 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.521 of 2023
and Crl.M.P(MD)No. 458 of 2023

1.Krishnamoorthi

2.Vijayalakshmi

3.Subalashmi

4.Arun Kumar

5.Saravanan @ Velusamy

... Petitioner

Vs.

1. State Rep by
the Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District.
(In Crime No.05 of 2019).

2.Uma Maheswari

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of charge sheet in C.C No. 41 of 2020 before the Learned Judicial Magistrate, Sengottai and quash the same as illegal.



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For Petitioners : Mr.M.Maharaja
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)
For R2 : Mr.A.Balakrishnan

ORDER

This Criminal Original Petition is filed to call for the records of charge sheet in C.C No. 41 of 2020 before the Learned Judicial Magistrate, Sengottai and quash the same as illegal.

2. The case of the prosecution is that the defacto complainant lodged a complaint against the petitioner and others stating that she was married to the first accused on 19.02.2018. At the time of marriage, she was provided with several jewels, Sridhana articles etc. After that they lived in a joint family. On 30.03.2018, during the Mangalyan Changing Ceremony, the accused came there and picked up quarrel stating that they were not provided with sufficient jewels and made physical and mental torture. The ill-treatment and harassment continued even on domestic



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petty issue. That was informed to the first accused. He did not take any proper action. She became pregnant and invited by the first accused to Dubai, on 03.05.2018, she suffered abortion there. On 15.06.2018, she returned to India and went to the matrimonial home directly and at that time, the second accused threatened her criminally, intimidated and abused. She was driven out of the house. Again on 07.08.2018 on the invitation made by the first accused, she went to Dubai and worked in a company. On 24.09.2018, they returned to India to attend a funeral ceremony of father-in-law. When she entered into the house, the Accused Nos.2 to 5 abused her, ill-treated and humiliated her. Again she was driven out of the house. She was taken to her parental home by the first accused and went to Dubai. In the month of December, 2018, she was invited for compromise talk even at the time she was ill-treated, abused and harassed. On that basis a complaint was given and a case in Crime No.5 of 2019 was registered for the offences punishable under Sections 498(A), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and Section 4 of Dowry Prohibition Act, 1961.



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3. After filing of the final report, the fourth petitioner is reported to be dead. It was informed to the Court that after filing of the final report there was a compromise between the parties. In pursuance of the compromise, they got married to some other persons. However, joint compromise memo could not be filed, since the defacto complainant is leading a separate life and if any compromise memo is filed she fears that it may affect her new life. So she appeared through video conference and stated that she does not want to pursue the matter further.

4. The second petitioner appeared before this Court. But the third and fifth petitioners have not appeared. So the matter was posted for appearance of the petitioners 3 to 5 through video conference. Today, the first and fifth petitioners appeared through video conference.

5. In view of the above said statement of the defacto complainant, no purpose is going to be served in keeping the matter pending before the trial Court. Eventhough there is no compromise memo, in view of the above said position of the parties, this Criminal Original Petition is



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allowed and the proceedings in in C.C No. 41 of 2020 before the Learned Judicial Magistrate, Sengottai, is quashed. Consequently, connected miscellaneous petition is closed.

14.12.2023

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

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To

1. The Judicial Magistrate, Sengottai.
2. The Inspector of Police, All Women Police Station,
Tenkasi, Tenkasi District. (In Crime No.05 of 2019).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

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