



Crl.O.P.(MD)No.542 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**Crl.O.P.(MD)No.542 of 2023
and
Crl.M.P.(MD)Nos.499 & 17980 of 2023**

1.K.Janarthan

2.V.Kondalraj

3.K.Sumathi

... Petitioners 1 to 3 /

Accused Nos.1 to 3

VS.

1.The Inspector of Police,
All Women Police Station,
Thilagar Thidal Police Station,
Madurai City.
Crime No.32 of 2022.

... 1st Respondent/ Complainant

2.N.A.Varsha

... 2nd Respondent/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1498 of 2022 on the file of the Additional Mahila Court (Judicial Magistrate Level), Madurai and quash the same.



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For Petitioners : Mr.K.P.S.Palanivel Rajan

For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)

For R2 : Mr.S.Ramsundar Vijayraj

ORDER

This petition has been filed to quash the proceedings in C.C.No. 1498 of 2022 pending on the file of the Additional Mahila Court (Judicial Magistrate Level), Madurai.

2. The offence is under Sections 34, 120B, 498(A), 406, 417, 420, 506(1) of IPC & Section 4 of TN Prohibition of Harassment of Women Act, 2002 arises out of matrimonial issue.

3. Today, both the parties, the petitioner / husband is present before this Court in person and the second respondent / wife is present before this Court virtually.

4. Both have also filed a joint memorandum of compromise. It contains the signature of both the second respondent / wife as well as the



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petitioner / husband in all pages. The memorandum of joint memo is also signed by the both counsel. Both counsel are present before this court and they are identifying their respective parties. Upon questioning by this court, this Court is of the opinion that both sides have understood the terms of the compromise. The defacto complainant has stated that she has got divorce and therefore, she has moved on in life and she is not willing to further pursue the complaint. The same is also there in the Joint Memorandum of Compromise. Therefore, the Joint Memorandum of Compromise is recorded. The same shall form and part of this order.

5.Considering the same as per the dictum of the Hon'ble Supreme Court of India in ***B.S.Joshi and ors., Vs. State of Haryana and anr.***, reported in ***(2003) 4 SCC 675*** and the subsequent judgments, I am inclined to quash the proceedings in C.C.No.1498 of 2022. Consequently, the connected miscellaneous petitions are closed.

21.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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D.BHARATHA CHAKRAVARTHY, J.

dss

To

- 1.The Additional Mahila Court (Judicial Magistrate Level),
Madurai.
2. The Inspector of Police,
All Women Police Station,
Thilagar Thidal Police Station, Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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and

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