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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Nineteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.1124 & 955 of 2024

1 SANKARANARAYANAN

2 RADHA BAI

3 ASHVITHA VALLI

... PETITIONERS / ACCUSED No.2 TO 4
in CRL OP(MD)No.1124 of 2024

PAULPANDIAN

... PETITIONER / SOLE ACCUSED
in CRL OP(MD)No.955 of 2024

Vs

THE INSPECTOR OF POLICE
AWPS KANIYAKUMARI POLICE STATION,
KANIYAKUMARI DISTRICT.
CRIME NO.03/2024.

... RESPONDENT / COMPLAINANT
in BOTH THE PETITIONS

DAKSHA

... INTERVENE PETITIONER/PETITIONER
in CRL MP(MD)Nos.790 & 775 of 2024 in
CRL OP(MD)Nos.1124 & 995 of 2024



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For Petitioners : Mr.V.KATHIRVELU, Senior counsel for
M/S.PRABHU.K Advocate
in CRL OP(MD)No.1124 of 2024

: MR.R.ANAND, Advocate for
Mr.R.PONKARTHIKEYAN, Advocate
in CRL OP(MD)No.1124 of 2024

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)
in BOTH THE PETITIONS

For Intervener : Mr.T.LAJAPATHY ROY, Senior counsel for
M/s.LAJAPATHY ROY ASSOCIATES
in BOTH THE PETITIONS

PETITION FOR ANTICIPATORY BAIL's Under Sec. 438 Cr.P.C.

COMMON PRAYER:

FOR ANTICIPATORY BAIL's IN CRIME NO.03/2024 ON THE FILE OF THE
RESPONDENT POLICE.

COMMON ORDER : The Court Made the following order :-

The petitioners in both the petitions, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 498(A), 406, 323, 506(I) IPC
and Sections 4 and 6 of Dowry Prohibition Act and Section 4 of Tamil Nadu
Prohibition of Women Harassment Act in Cr.No.03 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A1 to A4. It
is alleged that the de-facto complainant is the wife of the first accused/petitioner in



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Crl.O.P.No.955/2024 and the petitioners in Crl.O.P.(MD) No.1124/2024 are the in-laws of the de-facto complainant. A private complaint has been preferred by the de-facto complainant under Section 156(3) Cr.P.C. before the jurisdictional Magistrate, on the pretext that the petitioners have demanded additional dowry and harassed the de-facto complainant. Pursuant to the said complaint, a case in Crime No.3/2024 has been registered for the aforesaid offences.

3. The learned Senior counsel for the petitioners 1 to 3/accused Nos.2 to 4 and the learned counsel for the petitioner/accused No.1 would submit that on the directions of this Court, the matter was referred to the mediation and conciliation Centre attached to this Bench. Accordingly, they would submit that a compromise has been arrived at between the parties and a joint compromise has also been filed before this court. Hence, they pray for appropriate directions.

4.The learned Government Advocate (Crl. Side) for the respondent police and the learned Senior counsel for the de-facto complainant would concur with the submissions made by the learned counsel for the petitioners.

5. This Court has perused the materials available on record and the joint compromise memo dated 18.02.2024.



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6. It is seen that as per the directions of this Court, Ms.Porkodi Karnan, learned Mediator, conducted the mediation and upon conciliation, the parties were arrived at an amicable settlement. Pursuant to the settlement, the petitioners have agreed to pay a sum of Rs.1,00,00,000/- (Rupees one crore only) to the de-facto complainant and her son. Accordingly, a sum of Rs.50,00,000/- (Rupees fifty lakhs only) was paid on 09.02.2024 by way of demand draft drawn on CSB Bank, Tirunelveli and ICICI Bank, Tirunelveli vide D.D.Nos.608821 and 507530 respectively to the son of the de-facto complainant. It is also agreed that the remaining Rs.50,00,000/- shall be paid to the de-facto complainant during the trial in HMOP No.24/2023.

7. Considering the said submissions made by both sides, since the first installment of Rs.50 lakhs has already been paid to the son of the de-facto complainant and the remaining Rs.50 lakhs would be paid during the evidence adduced by the de-facto complainant in the proceedings before the Family Court and considering the fact that both the petitioner/accused No.1 and the de-facto complainant had consented to file a petition for divorce on mutual consent and in view of the settlement arrived between the parties to the dispute, these criminal original petitions are closed with the following directions:



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(i) The respondent police shall close the case in Crime No.3/2024 within a period of four weeks from the date of receipt of the remaining payment of Rs.50 lakhs;

(ii) the parties are at liberty to file appropriate application before the trial court seeking divorce;

(iii) The joint compromise shall form part of the record.

8. Before parting with this case, this court places its appreciation on the learned Mediator for arriving at an amicable settlement and the learned Mediator is entitled for a sum of Rs.1,00,000/- (Rupees one lakh only) as remuneration and the petitioners and the de-facto complainant shall pay a sum of Rs.50,000/- each to the Mediator.

sd/-
19/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR



ENCL: XEROX OF JOINT COMPROMISE MEMO
TO

- 1 THE INSPECTOR OF POLICE
AWPS KANIYAKUMARI POLICE STATION,
KANIYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)
- 2 M/s.PORKODI KARNAN, ADVOCATE/MEDIATOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-2095[I] dated 20/02/2024)

+3 CC to M/s.S.RAJASEKAR, Advocate (SR-5874[F] dated 20/02/2024)

ORDER

IN

CRL OP(MD) Nos.1124 & 955 of 2024

Date :19/02/2024

SS/VR/SAR- /11/03/2024/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023