



Crl.O.P.(MD).No.5397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.03.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.5397 of 2023

and

Crl.MP.(MD).No.4776 of 2023

1.Rahul

2.Ramanathan

3.Kayathri

4.Kowsalya

... Petitioners/Accused Nos.1 to 4

Vs.

1.The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
(Crime No.28 of 2022)

...1st Respondent/Complainant

2.Priyadharshini

...2nd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records, pertaining to the criminal case, which is pending in C.C.No.1969 of 2022 on the file of the Judicial Magistrate Court, Karaikudi and quash the same as illegal.



WEB COPY



Crl.O.P.(MD).No.5397 of 2023

For Petitioner : Mr.P.Santhana Krishnan

For R-1 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)

ORDER

When the case came up for hearing on 19.03.2024, this Court passed the following order:

“When the case came up for hearing on an earlier occasion on 23.02.2024, it was submitted that the Petitioners had paid Rs.1,50,000/- to the Respondent. On perusal of the mediation report, it is found that it is an interim report regarding the agreement arrived between the parties. As per the terms of the compromise, the husband agreed to pay Rs.1,50,000/- in the mediation centre and agreed to pay balance of Rs.1,50,000/-, after disposal of H.M.O.P. It is found to be forcing the wife to accept the terms for H.M.O.P. That cannot be considered to quash the FIR or charge sheet. When the husband seeks to quash the FIR or charge sheet, he is duty bound to pay the amount demanded by the wife. Instead of doing so, by paying parted amount and seeking to quash the complaint cannot at all be accepted by any Court of law.

2.On request of the learned Counsel for the Petitioners, call on 21.03.2024”.



Crl.O.P.(MD).No.5397 of 2023

WEB COPY

2. The learned Counsel for the Petitioners submitted his arguments on 19.03.2024 seeking to quash the charge sheet in C.C.No.1969 of 2022 pending on the file of the learned Judicial Magistrate, Karaikudi. The subject matter of the dispute was referred to the Mediation by this Court. In the Mediation, the parties agreed to settle the matter amicably. On perusal of the Mediation report, it was found that the Petitioner/husband had paid Rs.1,50,000/- and agreed to pay the balance amount only if the de-facto Complainant/wife permits him to file a petition for divorce by consent. Only after such disposal of the HMOP, he will pay back the balance amount of Rs.1,50,000/- to the de-facto Complainant.

3. Considering the submission of the learned Counsel for the Petitioner, this Court directed that there cannot be compromise based on the understanding that amount will be paid. If the Petitioners seek to quash the charge sheet, they have to pay without any conditions. Therefore, time was granted to the Petitioners to pay the entire balance amount as was agreed between the parties and hence the case was adjourned.



Crl.O.P.(MD).No.5397 of 2023

4. Today, when the case came up for hearing, the learned Counsel for the Petitioners submitted that they had paid the balance amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) through demand draft No.693451 dated 27.02.2024 and also furnished the copy of the Demand Draft before this Court.

5. In the light of the compromise arrived between the parties, the charge sheet in C.C.No.1969 of 2022 pending on the file of the learned Judicial Magistrate, Karaikudi, is hereby quashed.

6. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

25.03.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



Crl.O.P.(MD).No.5397 of 2023

To

WEB COPY

- 1.The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.5397 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Crl.O.P.(MD).No.5397 of 2023

25.03.2024