



Crl.O.P.(MD)No.13456 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.13456 of 2021

and

Crl.M.P.(MD)No.6989 of 2021

1.Selvan Jeyakumar

2.Lourthus

3.Mary Vimala Rose

4.Flarance Mary

... Petitioners/A1 to A4

VS.

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
(Crime No.31 of 2020)

2.Preetha

... 2nd Respondent/De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.200 of 2021 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District in



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connection with Crime No.31 of 2020 on the file of the Inspector of Police, All Women Police Station, Colachel, Kanyakumari District and quash the same in respect of the petitioners.

For Petitioner : Mr.S.Palani Velayutham

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

For R2 : Mr.T.Selvan

ORDER

This petition has been filed to quash the proceedings in C.C.No.200 of 2021 pending on the file of the learned Judicial Magistrate, Eraniel.

2. When the quash petition was entertained by this Court, this Court found that it is a matrimonial dispute between the 1st petitioner and the 2nd respondent. Hence, this Court directed the parties to go before the Mediation centre to explore the possibility of settlement. The parties were not able to come to any settlement in this case and therefore, the matter was placed before this Court for further hearing.

3. When the matter came up for hearing on 07.11.2024, this Court passed the following order :



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“Heard, Mr.Palani Velayutham, learned counsel on behalf of the petitioner and Mr.T.Selvan, learned counsel on behalf of the second respondent.

2. It is seen from records that the first petitioner was married to the second respondent in the year 2009. Out of the wedlock, two female children were born in the year 2010 and 2011 respectively. Subsequently, there was some misunderstanding between the husband and wife. The same ended up in giving a police complaint and criminal proceedings are pending before the Court.

3. The learned counsel for the petitioner submitted that the marriage has already been dissolved by a competent Court and that the criminal proceedings itself has been given only to harass the first petitioner and his family members.

4. Per contra, the learned counsel for the second respondent submitted that the two female children are now under the care and custody of the second respondent. Therefore, their interest must be safeguarded.

5. The matter was referred to the Mediation Centre attached to this Bench and the parties were not able to reach a settlement and therefore, the matter has been posted before the Court.



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6. This Court suggested Mr.Palani Velayutham, learned counsel for the petitioner to take instructions from his client with respect to payment of some lumpsum amount to the two daughters, whose future must be taken into consideration and who are under the care and custody of the second respondent. The learned counsel for the petitioner sought for some time to take instructions in this regard.

7. Post the petition for hearing on 18.11.2024.”

4. When the matter was taken up for hearing today, the learned counsel for the petitioners submitted that considering the interest of the daughters, the 1st petitioner is willing to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) towards final settlement. The learned counsel for the 2nd respondent submitted that since there are two daughters, the 1st petitioner must be directed to pay an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) to take care of their future.

5. This Court has already noted the fact that the marriage between the 1st petitioner and the 2nd respondent has already been dissolved by a competent Court and only the criminal proceedings are pending. No useful



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purpose will be served in prosecuting this criminal case. However, the 1st petitioner has the duty to take care of the future of his daughters. Hence, some lumpsum amount should be paid to the daughters in order to take care of their future.

6. Considering the facts and circumstances of the case, and to ensure that some amount is available to safeguard the future of the daughters, this Court is inclined to direct the 1st petitioner to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to each daughter (totally Rs.8,00,000/-). This amount shall be paid by the 1st petitioner directly to the daughters within a period of four weeks from the date of receipt of a copy of this order.

7. In the light of the above discussion, the continuation of the criminal proceedings as against the petitioners will only result in abuse of process of law and hence, this Court is inclined to quash the proceedings. Accordingly, the proceedings in C.C.No.200 of 2021 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District is hereby quashed, and this Criminal Original Petition is allowed in the above terms. Consequently, connected Criminal Miscellaneous Petition is closed.



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8. Post this case under the caption "for reporting compliance" on
20.01.2025.

06.12.2024

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

To

- 1.The learned Judicial Magistrate,
Eraniel, Kanyakumari District.
- 2.The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N. ANAND VENKATESH, J.

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