



CrI.O.P.(MD)No.15643 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2024

CORAM:

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

CrI.O.P.(MD)No.15643 of 2020

and

CrI.M.P(MD)No.7666 of 2020

1.Xavier Fernanth
2.Jesima Murayees

... Petitioners / Accused Nos.2 & 3

Vs.

1.State rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.21 of 2019)

... 1st Respondent/Complainant

2.Fernantsha

... 2nd Respondent/Defacto Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.613 of 2019 for the offence U/s.417, 420 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act pending before the Judicial Magistrate No. IV, Thoothukudi District and quash the same as illegal as against the petitioners alone



Crl.O.P.(MD)No.15643 of 2020

For Petitioners : Mr.J.Pandi Dorai
For R1 : Mr.R.M.Anbunithi
Government Advocate (Crl.Side)
For R2 : Mr.A.Sivasubramanian

ORDER

This petition has been filed to quash the charge sheet in C.C.No.613 of 2019 pending on the file of the learned Judicial Magistrate No. IV, Thoothukudi District.

2. The case of the prosecution is that the petitioners met the victim and expressed their willingness for marriage proposal for their son. The marriage date was fixed on 18.01.2019 and the petitioners demanded a dowry of Rs.2,00,000/- and 100 sovereigns of gold jewels. The same was accepted by the defacto complainant's family and on 01.01.2018 first notice of marriage was read at their Church as per their customs. Thereafter, Accused No.1, who is the son of the petitioners contacted the defacto complainant over phone and informed that he was in love affair with one German woman and asked to drop the marriage proceedings. Hence, the defacto complainant lodged a complaint. Based on the complaint, a case



Crl.O.P.(MD)No.15643 of 2020

has been registered in Crime No.21 of 2019 for the offence under Sections 417, 420 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against the petitioners.

3. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners, second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the learned Government Advocate (Criminal side). This Court also enquired both the parties and they accepted the terms of compromise and prayed to quash the charge sheet in C.C.No.613 of 2019.

5. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 29.04.2024, this Court is of the opinion that no



Crl.O.P.(MD)No.15643 of 2020

useful purpose will be served by keeping the matter pending.

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6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.613 of 2019 on the file of the learned Judicial Magistrate No.IV, Thoothukudi District, is quashed and the Joint Compromise Memo is recorded. The terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

29.04.2024

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

To

- 1.The Judicial Magistrate No.IV,
Thoothukudi District,
- 2.The Inspector of Police,
Saptur Police Station,
Madurai,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CrI.O.P.(MD)No.15643 of 2020

A.A.NAKKIRAN, J.,

VSD

CrI.O.P.(MD)No.15643 of 2020
and
CrI.MP(MD)No.7666 of 2020

29.04.2024