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Crl.O.P.(MD)Nos.22378 and 22380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.22378 and 22380 of 2024

Crl.O.P.(MD)No.22378 of 2024:-

R.Krishnakumar

... Petitioner

Vs.

1.The State, Rep by,
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhnuagar District.
(Crime No.27 of 2016)

2.Mahalakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the records pertaining to the impugned charge sheet in C.C.No.21 of 2017 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal.

For Petitioner : Mr.C.Jeya Prakash

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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For R2

: Mr.G.Mariappan

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Crl.O.P.(MD)No.22380 of 2024:-

1.R.Krishnakumar

2.G.Flacis Jayaseelan @ Blessing Jebaseelan

3.Satheeshsundar

4.Siva @ Sivaramakrishnan

... Petitioners

Vs.

M.Rajendran

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the records pertaining to the impugned charge sheet in C.C.No.96 of 2018 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal.

For Petitioners : Mr.C.Jeya Prakash

For Respondent : Mr.G.Mariappan

COMMON ORDER

These Criminal Original Petitions have been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the proceedings in C.C.No.21 of 2017 and C.C.No.96 of 2018, on the file of the Judicial Magistrate Court No.II, Virudhunagar.



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2. The case of the prosecution is that in 2004, the de-facto complainant met R.Krishnakumar / accused, who introduced himself as a temporary driver. On various occasions, the de-facto complainant asked the accused to drive his car and perform other tasks, believing him to be trustworthy. The accused used this trust to gain confidence from the de-facto complainant and their family.

2.1. Further, the de-facto complainant, in good faith, travelled alone with the accused to consult an astrologer regarding the marriage prospects of his daughter. The astrologer claimed that the daughter had a defect in her marriage and suggested a remedy. The accused used this information to deceive the de-facto complainant into believing that only certain rituals could remove this flaw. Thereafter, the accused, with the help of astrologers, convinced the de-facto complainant to allow him to arrange a marriage to "remove the dosha" (flaw) in the daughter's horoscope. The accused suggested that the marriage be fake, ensuring the dosha would be removed and the marriage could be annulled later. He also advised the de-facto complainant to keep this a secret from her husband and relatives.



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2.2. Later, the de-facto complainant, trusting the accused, was manipulated into taking her daughter to the Kamudi Registrar's Office on 20.08.2015, where the accused registered a marriage between the de-facto complainant's daughter and another person under false pretenses. The de-facto complainant was led to believe that the marriage had taken place according to religious ceremonies, but it later emerged that no marriage occurred in the temple, and the documents were forged.

2.3. Thereafter, on 30.08.2015, when the de-facto complainant discovered the fraud and demanded that the accused cancel the registration, the accused threatened to harm the de-facto complainant's daughter. The accused also claimed to have a significant financial debt (Rs.45 lakhs), stating that if the de-facto complainant did not assist in repaying it, he would continue to harass them.

2.4. The accused further harassed the de-facto complainant's family by spreading false and defamatory information. On 06.10.2016, he published the de-facto complainant's family's photos on WhatsApp and Facebook, photoshopping them to include harmful and defamatory



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content. He continued to cause emotional distress by posting inappropriate material about the de-facto complainant's family on websites.

2.5.The de-facto complainant has filed a petition (H.M.O.P.No. 57/2016) to annul the fraudulent marriage registration. The case is still under investigation. The actions of the accused have caused severe emotional distress and reputational damage to the de-facto complainant's family. Therefore, the de-facto complainant lodged a complaint with the respondent Police, and her husband filed a private complaint, both of them were taken cognizance of by the learned Judicial Magistrate No.II, Virudhunagar, in C.C.Nos.21 of 2017 and 96 of 2018, respectively, against the petitioners.

3. When the matter was taken up for hearing today, the learned counsel for the petitioners submitted that the accused had filed C.M.S.A. (MD)Nos.10 and 11 of 2024 before this Court, challenging the concurrent findings rendered by the learned Additional District Judge, Virudhunagar, at Srivilliputhur in H.M.C.M.A.No.15 of 2021, dated



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22.02.2024, and the order passed in I.A.No.1 of 2021 in H.M.O.P. No.15 of 2021 by the learned Principal Subordinate Judge, Srivilliputhur, dated 04.03.2023. Both C.M.S.A.s are now pending before this Court. In the meantime, the accused and the respondent have reached a compromise to withdraw the criminal complaint filed by the complainant in C.C.No.96 of 2018, as well as C.C.No.21 of 2017, pending before the Judicial Magistrate Court No. II, Virudhunagar. It was further agreed that the decree in O.S.No.2 of 2016 and the decree in O.S.No.5 of 2016, both on the file of the Additional District Court, Virudhunagar, dated 24.02.2003, will be proceeded with according to the legal rights of the parties, and they are at liberty to pursue or challenge the same without being influenced by the compromise arrangements. Further, it was acknowledged that the accused is bound by the decree and judgment passed in H.M.O.P.No.14 of 2021, dated 04.03.2023.

4. In the present cases, the matters are still under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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5. Joint Memos of Compromise have been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsels. The petitioners and the second respondent in Crl.O.P.(MD)No.22378 of 2024 and the respondent/complainant in Crl.O.P.(MD)No.22380 of 2024 are present before this Court and they were identified by Ms.J.Jayabharathi, Special Sub-Inspector of Police, All Women Police Station, Virudhunagar, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant cases, the parties have now compromised the issue. Where the parties have compromised the matter, the High Court has to power to quash the complaint.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) ***10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) ***9 SCC 641*** were taken into consideration.



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8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.21 of 2017 and C.C.No.96 of 2018 as against the petitioners pending before the Judicial Magistrate Court No.II, Virudhunagar.

9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.No.21 of 2017 and C.C.No.96 of 2018 pending before the Judicial Magistrate Court No.II, Virudhunagar, are quashed as against the petitioners and the joint compromise memos shall form part and parcel of this order.

18.12.2024

NCC : Yes / No
Index : Yes / No
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To

1.The Judicial Magistrate No.II,
Virudhunagar District.

2.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhnuagar District.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Common Order made in
Crl.O.P.(MD)Nos.22378 and 22380 of 2024

Dated: 18.12.2024