



Crl.O.P.(MD)No.6673 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

Crl.O.P.(MD).No.6673 of 2023

and

Crl.M.P.(MD).Nos.5799 & 5800 of 2023

Eswaran

... Petitioners/Accused

Vs.

1.The State Rep. by its,
The Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.305/2019

... 1st Respondent/Complainant

2.Karthiga
D/o.Marisamy

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code/Section 528 of BNSS, 2023, to call for the records relating to the proceedings in C.C.No.251 of 2021 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District and quash the same as against the petitioner.

For Petitioner	: Mr.M.Karuppasamy Pandian
For R-1	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl.Side)
For R-2	: Mr.S.Ramu



Crl.O.P.(MD)No.6673 of 2023

ORDER

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The petitioner seek to quash the final proceedings in C.C.No.251 of 2021 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District, which was filed for the offences under Sections 294(b), 325 & 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

2. The allegation in the final report is that the second respondent married the petitioner in the year 2006 and they have blessed with two children. Due to misunderstanding the petitioner filed a divorce petition at Chennai and due to which on 01.07.2019 at about 06.00p.m., the petitioner came to the house of the second respondent and abused her by using filthy language and also threatened her to give divorce and broken the defacto-complainant's right hand and thus, committed the aforesaid offences.

3. Admittedly, the petitioner and the second respondent are the husband and wife. Initially, complaint was made by the second respondent against this petitioner, in which FIR was registered and the same was taken on file in C.C.No.251 of 2021 on the file of the Judicial Magistrate, Uthamapalayam. In the meantime, the petitioner filed a divorce petition in HMOP.No.580 of 2017 on the file of the Sub Court, Poonamalli and the same was transferred to the



Sub Court, Uthamapalayam, Theni District in HMOP.No.54 of 2025 and the

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Jurisdiction)

against

(On the file of the Learned Judicial Magistrate,
Uthamapalayam, Theni District)

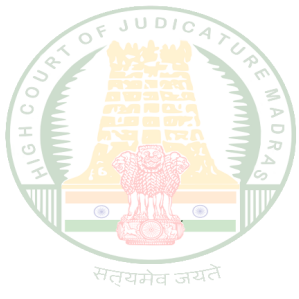
...Petitioner/Sole Accused

- V.S. -

...1st Respondent/
Complainant

...2nd Respondent/
Defacto Complainant

2nd Respondent,
/ Defacto Complainant



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Crl.O.P.(MD)No.6673 of 2023

2

MEMO OF COMPROMISE UNDER SECTION 320(8)
r/w. 482 OF Cr.P.C.

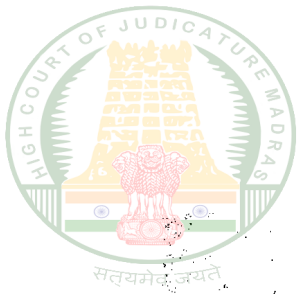
The Petitioners respectfully begs to submit as follows:

1. The Petitioner above named begs to prefer this Memorandum of Criminal Original Petition praying to quash the proceedings in C.C.No.251 of 2021 on the file of the Learned Judicial Magistrate, Uthamapalayam, Theni District for the alleged offences under Sections 294(b), 325 & 506(i) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002. On the basis of complaint given by *defacto*-complainant hence the said case was registered.

2. It is averred in the FIR that the petitioner and *defacto* complainant married in the year of 2006 and they are blessed with two children and there is a strained relationship between them and the petitioner filed a divorce petition at Chennai and due to that on 01.07.2019 at about 6.00 p.m., the petitioner came to *defacto* complainant's house and abused her using filthy language and also threatened her to give divorce and broken her right hand and threatened the *defacto* complainant with dire consequences.

Petitioner

Ebadynilka
2nd Respondent/
Defacto Complainant



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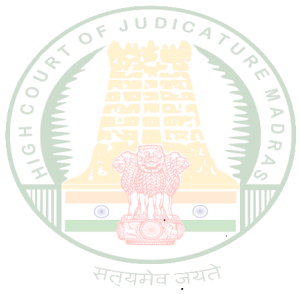
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3. The petitioner submits that the FIR was taken on file and to file the final report in CC.No.251 of 2021 before the Learned Judicial Magistrate, Uthamapalayam, Theni District. Thereafter, the petitioner was filed criminal original petition before this Hon'ble Court in Crl.O.P.(MD).No.6673/2023 to quash the proceedings in C.C.No.251/2022. Subsequently this Hon'ble Court was ordered the trial process shall be kept in abeyance on 12.04.2023. Subsequently the case was came up for hearing on 15.06.2023 before this Hon'ble Court and the court directed to referred as mediation centre.

4. The petitioner submits that in the mediation the petitioner and defacto complainant entered compromise and settled dispute amicably. As per the settlement arrived between the defacto complainant and the petitioner, the petitioner gave life compensation amount totally Rs.28,00,000/- to be given the defacto complainant. Thus as on date Rs.28,00,000/- received from petitioner and the defacto complainant's daughter and son has maintained by petitioner and they have entered consent mutual divorce between them.

D. Eswara
Petitioner

E. Kasthika
2nd Respondent
/ Defacto Complainant



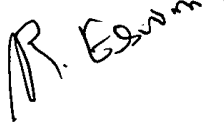
Crl.O.P.(MD)No.6673 of 2023

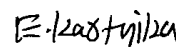
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5. It is submitted that due to intervention of the family elders and the petitioner made a compromise with the 2nd Respondent/defacto complainant herein and settled the matter amicably.

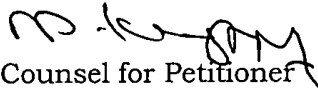
In the above circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to record the settlement arrived in C.C.No.251 of 2021 on the file of the Learned Judicial Magistrate, Uthamapalayam, Theni District and consequently, quash the same and thus render justice.

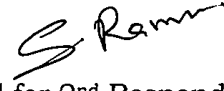
Dated at Madurai, this the day of September 2025

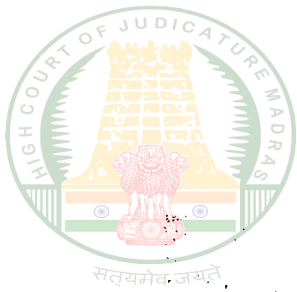

Petitioners/Accused


2nd Respondent/
Defacto-Complainant.

1.


Counsel for Petitioner


Counsel for 2nd Respondent.



Crl.O.P.(MD)No.6673 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Jurisdiction)

Crl.O.P.(MD)No. 6673 of 2023

against

C.C.No. 251 of 2021

(On the file of the Learned Judicial Magistrate,
Uthamapalayam, Theni District)

Eswaran (M/32)

S/o.Ramu,

21, GNN Nagar,

Thiruverkadu,

Chennai -77.

...Petitioner/Sole Accused

- Vs. -

1. The State,

Rep. by Inspector of Police,

Cumbum South Police Station,

Theni District.

(Cr.No.305/2019)

...1st Respondent/
Complainant

2. Karthiga

D/o.Marisamy,

Door No.45F, W-30,

Devibala Theatre Backside,

Maninagaram, Cumbum,

Theni District.

Now residing at,

Kappal Estate, Adukalanthan,

Uduppan Cholai Post,

Sathurangapillai Village,

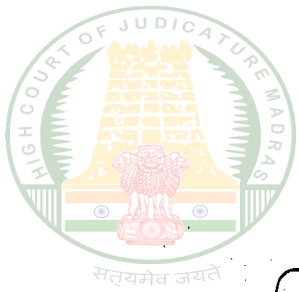
Edukki District,

Kerala.

E. Karthika
...2nd Respondent/
Defacto Complainant

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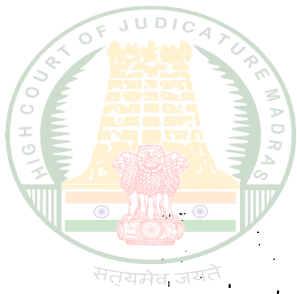
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AFFIDAVIT OF THE KARTHIGA/DEFACTO COMPLAINANT

I, Karthiga, D/o.Marisamy, Hindu, aged 45 years, residing at Door No.45F, W-30, Devibala Theatre Backside, Maninagaram, Cumbum, Theni District **Now residing at**, Kappal Estate, Adukalanthan, Uduppan Cholai Post, Sathurangapillai Village, Edukki District, Kerala now temporarily come down to Madurai do hereby solemnly affirm and sincerely state as follows:-

1. I am the defacto complainant herein as such I am well acquainted with the facts and circumstances of the case
2. I submit that the Petitioner has been charged the FIR in Crime No.305 of 2019 on the file of the 1st Respondent police for the alleged offences under Sections 294(b), 325 & 506(i) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 on the basis of the complaint given by me hence the said case was registered.
3. I submit that as per prosecution is that the FIR that the petitioner and myself got married in the year of 2006 and we are blessed with two children and there is a strained relationship between us and the petitioner filed a divorce petition at Chennai and due to that on 01.07.2019 at about 6.00 p.m., the petitioner came to my house and abused me using filthy language and also threatened me to give divorce and broken my rights hand and threatened me with dire consequences.

E. Karthiga



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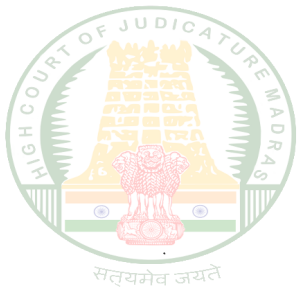
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4. I further submit that the FIR was taken on file and to file the final report in CC.No.251 of 2021 before the Learned Judicial Magistrate, Uthamapalayam, Theni District. Thereafter, the petitioner was filed criminal original petition before this Hon'ble Court in Crl.O.P.(MD).No.6673/2023 to quash the proceedings in C.C.No.251/2022. Subsequently this Hon'ble Court was ordered the trial process shall be kept in abeyance on 12.04.2023. Subsequently the case was came up for hearing on 15.06.2023 before this Hon'ble Court and the court directed to referred as mediation centre.
5. I submit that in the mediation my husband and myself entered compromise and settled dispute amicably. As per the settlement arrived between me and the petitioner he gave totally Rs.28,00,000/- to be given to me. Thus as on date Rs.28,00,000/- received from my husband and my daughter and son has maintained by husband and we have entered consent mutual divorce between us.
6. I submit that petitioner is none other than he is my ex-husband and are well known to each other now we entered into compromise with intervention of family elders and the said dispute was settlement amicably between us.
7. I submit that I am ready to withdraw my complaint against the petitioner. There is no necessity of taking any action as against him.

Ekashmi/24

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Crl.O.P.(MD)No.6673 of 2023

4

8. I submit that I file this affidavit on my own and no one compelled me and threatened me to file this affidavit.

Therefore it is prayed that this Hon'ble Court may be pleased to accept my affidavit in Crl.O.P.(MD).No.6673 of 2023 and record the same and thus render justice.

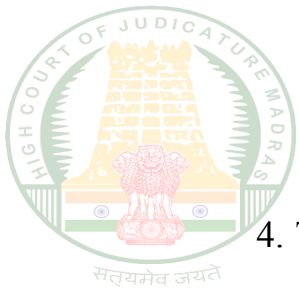
E.kanika

Before Me

Solemnly affirmed at Madurai on this
the 10th day of September 2025
signed his name in my presence.

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K. Neelamgem
entail: 1166/2005
43, 6th Chamber
Advocate, Madurai
high court
Madurai-23
8072021876



Crl.O.P.(MD)No.6673 of 2023

4. The petitioner, namely, R.Eswaran (Aadhaar No.2277 2517 3805) and the second respondent, namely, E.Karthika (Aadhaar No.7400 4863 7218) are present before this Court in person. They are identified by the Registry and the Counsels appearing on either side. All the parties confirmed the compromise arrived at between them.

5. In view of the same and considering the nature of the offences and the relationship between the parties, this Court is of the view that no useful purpose would be served by keeping the impugned final report pending trial. Accordingly, the impugned proceedings in C.C.No.251 of 2021 pending on the file of learned Judicial Magistrate, Uthamapalayam, Theni District is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

26.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Crl.O.P.(MD)No.6673 of 2023

S.SRIMATHY, J.

gvn

To

- 1.The Judicial Magistrate,
Uthamapalayam, Theni District.
- 2.The Inspector of Police,
Cumbum South Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD).No.6673 of 2023

26.09.2025