

W.P.(MD)No.18301 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 21.02.2025

Delivered On : 28.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.18301 of 2024

and

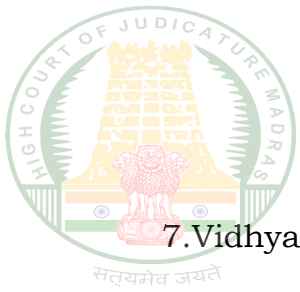
W.M.P.(MD)Nos.15585 and 15587 of 2024

Ragavaprabhu

... Petitioner

Vs.

- 1.The Appellate Authority Under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,
Cum District Collector,
Office of the District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The Tribunal Under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,
Cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 3.The Sub Registrar,
Nanguneri,
Tirunelveli District.
- 4.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
- 5.Kalyani Raniammal @ Kalyani
- 6.Subbulakshmi



W.P.(MD)No.18301 of 2024

7.Vidhya

8.The Inspector of Police,
Moolakaraipatti,
Tirunelveli District.
(R8 is suo motu impleaded
vide Court order dated 12.02.2025 in
W.P.(MD)No.18301 of 2021 by LVGJ)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent vide his proceedings in No. 595/A1/2024, dated 10.06.2024 and quash the same as illegal and arbitrary.

For Petitioner	: Mr.K.P.S.Palanivel, Senior Counsel For Mr.A.Robinson
For Respondents 1 to 4	: Mr.M.Gangadharan, Government Advocate (Civil)
For Respondents 5 to 7	: Mr.H.Lakshmi Shankar
For 8 th Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl.)

ORDER

This Writ Petition is filed, seeking to quash the impugned order passed by the first respondent vide his proceedings in No.595/A1/2024, dated 10.06.2024, in an appeal preferred before the appellate authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter to be mentioned as the Act, 2007).

2.The petitioner is the son of the fifth respondent, senior citizen. The petitioner's father, namely, Ramasubbu, was a retired Deputy Director at

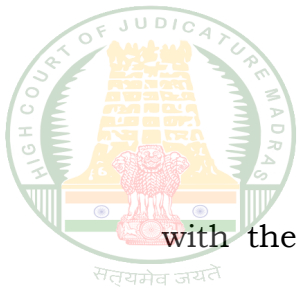


W.P.(MD)No.18301 of 2024

Agri Forest, and he passed away in the year 2016. The petitioner is the eldest son of the fifth respondent and he has two younger sisters and they are the respondents 6 and 7 in this Writ Petition. Though the fifth respondent senior citizen mother was originally living with the petitioner, in due course of time, she had developed inimical attitude towards his wife and the petitioner and as a result of which, she started living with the sixth respondent. Thereafter, the fifth respondent mother made a petition before the second respondent on 29.01.2024 under the Maintenance of Parents and Senior Citizens Act, 2007, for various reliefs.

2.1.The second respondent after considering the petition made by the fifth respondent and the petitioner's statement, passed an order vide proceedings dated 13.03.2024, directing the petitioner to return the bank passbook relating to the fifth respondent's family pension and ATM cards, and directed the petitioner to act as agreed by him before the said authority. However, as against the said order dated 13.03.2024, the fifth respondent filed an appeal before the first respondent. In the interregnum, the fifth respondent had also lodged a police complaint before the Assistant Superintendent of Police, Nanguneri subdivision, Tirunelveli district that, the petitioner had misused the family pension without her knowledge.

3.Pursuant to the same, the petitioner filed a Writ Petition in W.P. (MD)No.13523 of 2024, seeking direction against the police not to interfere



W.P.(MD)No.18301 of 2024

with the dispute between him and his mother, as appeal before the first respondent, is pending and this Court, by order dated 10.07.2024, disposed of the Writ Petition by observing that, if the petitioner had taken the money intentionally without the consent of the fifth respondent, then the police shall register first information report(F.I.R.) and recover the same from the petitioner.

3.1.While being so, on 19.07.2024, the impugned order came to be passed by the first respondent vide proceeding bearing No.595/A1/2024 dated 10.06.2024, and the operative portion of the same was not more fully against the petitioner herein. In the concluding portion of the order, it was observed by the first respondent by exceeding his jurisdiction by issuing a direction to the Sub-Registrar, Nanguneri, restraining patta transfer and execution of documents in respect of the properties involved in the aforesaid appeal till the civil disputes between the petitioner and his mother is resolved by filing proper civil suit before the jurisdictional Civil Court. Hence, challenging the same, this Writ Petition is filed.

4.When the matter was taken up for hearing by this Court, the fifth respondent and the petitioner, appeared before this Court, and they were called for mediation in an in-camera proceeding by this Court. On facilitating a harmonious conversation between the fifth respondent mother, sixth respondent sister and the petitioner brother/son, the parties entered



W.P.(MD)No.18301 of 2024

into a joint compromise and a joint compromise memo has been filed by the parties together before this Court on 12.02.2025. In para B of the said compromise memo, the fifth respondent mother had agreed to withdraw all her complaints and also agrees to quash the criminal case in Crime No.230 of 2024 in the file of the Inspector of Police, Moolakkaraipatti, Tirunelveli district.

5.On the same day, the Inspector of Police, Moolakkaraippatti, Tirunelveli district, was *suo motu* impleaded by this Court as eighth respondent and Mr.K.Gnanasekaran, learned Government Advocate took notice for the eighth respondent. The learned Government Advocate was directed to file a comprehensive report on the pending Crime No.230 of 2024 as against the petitioner on the next hearing. On 21.02.2025, a status report was filed by the eighth respondent and the learned Government Advocate on the basis of the same, submitted that the investigation with respect to the aforesaid crime is still under investigation. However, the investigation reveals that already a joint compromise memo has been filed before this Court, by the *de-facto* complainant, and her son, who is arrayed as an accused in Crime No.230 of 2024 before the Moolakkaraippatti Police Station.

5.1.The first information report dated 14.09.2024, in Crime No.230 of 2024, is registered by the eighth respondent police at the instance of the



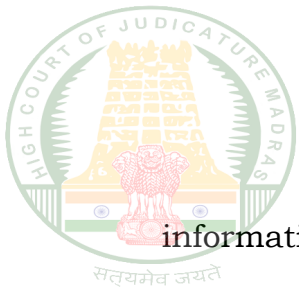
W.P.(MD)No.18301 of 2024

fifth respondent mother, under Sections 406, 420 and 343 of the Indian Penal Code, 1860, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002

6. Heard the learned counsel on either side and carefully perused the materials available on record.

7. A careful perusal of the FIR would reveal that the same is fully with respect to those allegations, which have been raised by the fifth respondent mother before the second respondent, in her complaint under Section 5 of the Maintenance and Welfare of Parents and Seniors Act, 2007.

8. Now, pending Writ Petition, since the *de-facto* complainant in the aforesaid FIR as well as the petitioner, who was arrayed as accused have entered into a compromise, this Court is of the considered view that the said FIR should necessarily be quashed invoking the inherent powers of this Court under Article 226 of the Constitution of India. That apart, a look into the details in the first information report would make it clear that the necessary ingredients to constitute the alleged offences are not disclosed and the circumstances have emanated in a family dispute between a mother, son and her daughter-in-law, who later decided to move on to reside with her youngest daughter. Hence, taking into consideration, the stage of the case, which is still under investigation after registration of the first



W.P.(MD)No.18301 of 2024

information report and taking into account, the overall circumstances which had led to the registration of the case and the status report, which has been filed by the eighth respondent police, I am of the considered view that continuation of investigation in the aforesaid FIR would not serve any purpose.

9.The perusal of the subject FIR itself would reveal that the same do not disclose commission of offences as alleged, besides vague allegations, even if it is taken as true, the same would not disclose the commission of any offence and make out a case against the writ petitioner, but the same is nothing but a family dispute between mother and son. Allowing such a FIR to subsist itself would be nothing but an abuse of process of law, and as such, non-interference by refusing to exercise the power to quash the FIR and further proceedings placed thereon would result in miscarriage of justice, in the circumstances where the mother herself has come forward to execute a joint compromise memo on the efforts taken by this Court with her son and bury the hatchet.

10.Accordingly invoking the inherent powers of this Court under Article 226 of the Constitution of India, the first information report in Crime No.230 of 2024 on the file of the Moolaikaraipatti Police Station, is hereby quashed.



W.P.(MD)No.18301 of 2024

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11. Recording the joint compromise memo filed by the petitioner and the respondents 5 and 6 as a part of this order, the same is extracted as follows:-

JOINT COMPROMISE MEMO

It is submitted that after the case has been reserved for order, the parties have arrived at an amicable settlement putting an end to all the disputes between themselves including that which is the subject matter of this writ petition and the understanding /agreement is as follows;

- A. The writ petition⁰⁷ would execute a gift deed in favour of the 5th respondent forthwith in respect of the land in s.no. 403/5A2 in Moolakaraipatti Village, Part-I, measuring an extent of 91 cents, the entire expenses for execution and registration is to be borne by the 5th respondent.
- B. The 5th respondent shall withdraw all her complaints and also agrees to quash the criminal case in Crime No. 230 of 2024 in the file of the Inspector of Police Moolakaraipattai, Tirunelveli District.
- C. The petitioner, the 5th respondent and 6th respondent shall not interfere in the affairs of each other. It is also made clear that the petitioner has withdrawn his connection

P. Loganathan

*R. Kalyan
R. Sabahini*



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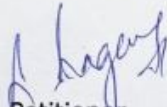


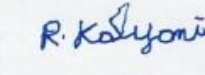
W.P.(MD)No.18301 of 2024

whatsoever with the administration of Vyasa Vidyalaya Matriculation School and has got nothing to do with the School or its operations and the 6th respondent is responsible for the affairs of the school and likewise the 5th and 6th respondents shall not have anything to do with affairs of the petitioner including the properties given to him excluding the 91 cents.

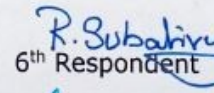
D. The petitioner and 5th respondent do not have any claim whatsoever against each other and any claim so far made are deemed to have been settled/resolved

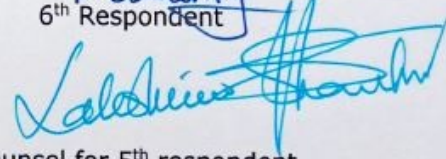
Dated this 12th day of February 2025 at Madurai


Petitioner


5th Respondent


Counsel for Petitioner


6th Respondent


Counsel for 5th respondent

12. Recording the joint compromise memo, directing the respective parties to give effect to the compromise entered into between them



W.P.(MD)No.18301 of 2024

voluntarily, in the presence of their counsels before this Court on 12.02.2025, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

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W.P.(MD)No.18301 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.18301 of 2024

28.04.2025