



Crl.O.P.(MD)No.15088 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

Crl.O.P.(MD).No.15088 of 2023

and

Crl.M.P.(MD).No.11952 of 2023

Muthulakshmi

... Petitioners/Accused No.2

Vs.

1.The State Rep. by its,
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.320/2021

... 1st Respondent/Complainant

2.Murugan
S/o.Arunachalam

...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.5 of 2023 on the file of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District and quash the same as against the petitioner.

For Petitioner	: Mr.A.Jayaramachandran
For R-1	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl.Side)
For R-2	: M/s.P.Aishwarya



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ORDER

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The petitioner seek to quash the final proceedings in C.C.No.5 of 2023 on the file of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, which was filed for the offences under Section 363 of IPC.

2. The allegation in the final report is that the the second respondent married with the petitioner and they have blessed with one female child. The petitioner was working as a temporary staff at Manoor Primary Health Centre. While so, on 29.07.2021, the petitioner left the home after informing the second respondent's mother that she would drop her daughter at her father's home and to attend the duty. However, the petitioner did not return back even after night hours. Subsequently the second respondent enquired the same, it revealed that the petitioner had not dropped her daughter at her father's house. Due to which the second respondent lodged a complaint in the respondent police as Women and girl missing case. Hence, the case.

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.5 of 2023 on the file of the Judicial Magistrate, Cheranmahadevi, Tiruenlveli District. A perusal of the records reveal that the present case is



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purely a matrimonial case. Due to misunderstanding, the petitioner voluntarily took her and left the matrimonial home. But, the petitioner had returned back to the home along with her daughter on her own volition after realizing that it would be a peril to her future. Since the petitioner is a lawful guardian of her daughter and the custody of her daughter cannot be deemed to be illegal one and there is no question of kidnapping. Now, the parties have entered into a compromise and decided to give a quietus to the entire dispute. The parties have filed a joint compromise memo dated 30th June 2025 and the scanned copy of the compromise memo reads as follows:

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(Criminal Original Jurisdiction)

Crl.O.P.(MD)No. 15088 of 2023

against

C.C No.5 of 2023

(On the file of the Judicial Magistrate, Cheranmahadevi)

Muthulakshmi, (34 years)
W/o, Murugan,
No.F/2/616, Gomathi Nagar West,
Suthamalli,
Tirunelveli District.

... Petitioner/Accused 2

-Vs-

1. The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.320/2021)

...1st Respondent/Complainant

2. Murugan,
S/o. Arunachalam,
No.F/2/616, Gomathi Nagar West,
Suthamalli,
Tirunelveli District

... 2nd Respondent/Defacto-Complainant

JOINT COMPROMISE MEMO

1. It is submitted that the petitioner and the 2nd respondent are none other than wife and husband respectively. On 29.07.2021, the 2nd respondent herein lodged a complaint before the 1st respondent stating that the 1st petitioner and his daughter who

G. Muthulakshmi

G. Murugan



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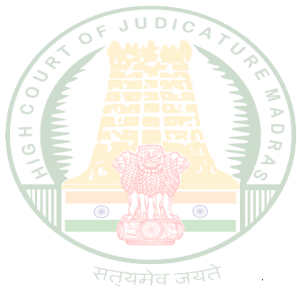
was studying in 5th standard were found missing. Based on the above said complaint a case in Crime No.320/2021 was registered as "Woman Missing". Thereafter, the 1st respondent conducted the investigation and laid impugned charge sheet which has been taken on file in C.C. No.5 of 2023 by the Learned Judicial Magistrate, Cheranmahadevi for the offences under sections 363 IPC.

2. It is submitted that the petitioner herein filed the above Criminal Original Petition to quash the Charge Sheet. Infact, the dispute involved in the present case is purely a matrimonial one. On 29.07.2021, the petitioner who had a matrimonial quarrel with the 2nd respondent taken her daughter and left the matrimonial home. Thereafter, the petitioner had returned back to the home along with her daughter on her own volition after realizing that it would be a peril to her future. Thereafter, both the petitioner and the 2nd respondent had sorted out their misunderstandings through a meaningful conversation and decided to move for a peaceful and harmonious matrimonial life and to provide a delightful future to their daughter.

3. It is submitted that while offence under section 363 IPC does not attract as against the petitioner since she is a lawful guardian of her daughter and the custody of her daughter cannot be deemed to be illegal one, the basic issue between the petitioner and the 2nd respondent has already been amicably settled and as such further continuation of the impugned criminal prosecution in only do harm to the matrimonial life of the petitioner and 2nd respondent and also have the impact over their daughter. In spite of settlement

G. Mahalingam

G. Mahalingam



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between the 2nd respondent and the petitioner, the present charge sheet laid by the 1st respondent and the same has been taken on file in C.C. No.5/2023 by the Learned Judicial Magistrate, Cheranmahadevi.

3. It is submitted that the 2nd respondent has given consent for quashing the Charge Sheet in C.C.No.5 of 2023 on the file of Learned Judicial Magistrate, Cheranmahadevi without any compulsion or coercion and he has accepted the compromise stated above. The continuation of the proceedings in the above case will not only be rignmarole for the parties, but also wasting of the precious time of the court of law.

It is therefore prayed that this Hon'ble Court may be pleased to record the compromise memo filed by the parties and quash the proceedings in C.C.No.5 of 2023 on the file of Learned Judicial Magistrate, Cheranmahadevi, as against the petitioner and thus render justice.

Dated at Madurai on this the 30th day of June 2025

G. N. Mahalingam
Petitioner

C. K. S. S. S.
Counsel for Petitioner

G. N. Mahalingam
2nd Respondent

P. K. S. S. S.
Counsel for 2nd Respondent



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IN THE MADURAI BENCH OF THE MADRAS HIGH COURT

Crl.O.P.(MD).No. Of 2023

IN

C.C.No 5 of 2023

(On the file of the Learned Judicial Magistrate, Cheranmahadevi)

IN

Crime. No. 320 of 2021

(On the file of the Respondent police)

Muthulakshmi (34/2023)

W/o. Murugan,

No.F/2/616, Gomathi Nagar West,

Suthamalli,

Tirunelveli District

--- Petitioner/Accused No.2

-- Vs --

- 1) The Inspector of Police,
Suthamalli police Station,
Tirunelveli District.
in Crime No. 320 of 2021 - 1st Respondent/ Complainant
- 2) Murugan
S/o Arunachalam,
No.F/2/616, Gomathi Nagar West,
Suthamalli,
Tirunelveli District ...2nd Respondent/Defacto Complainant

AFFIDAVIT FILED BY THE 2ND RESPONDENT

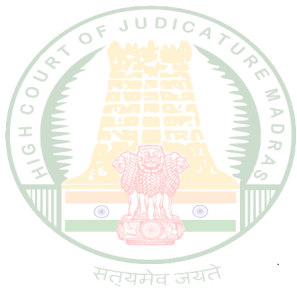
I, Murugan S/o.Arunachalam, Hindu aged about 45 years residing at Door No. No.F/2/616, Gomathi Nagar West, Suthamalli, Tirunelveli District now temporarily come down to Madurai do hereby solemnly affirm and sincerely state as follows:

1. I am the 2nd respondent / de-facto complainant in the above case and as such I am fully conversant and aware of the facts and circumstance of the case.

2. I submit that the petitioner is none other than my wife. In fact due to some misunderstanding arose between us, my wife left

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the matrimonial home along with our daughter on 29.07.2021 and being scared of their safety, I lodged a complaint at the 1st respondent police station and the same was registered as crime No.320 of 2021 dated 29.07.2021. After completion of investigation, the 1st respondent has filed the charge sheet which has been taken on file by the trial court in C.C.No.5 of 2023.

3. I further submit that after my wife and daughter came back to home, we had sorted out the misunderstandings through a peaceful conversation and chosen to lead a harmonious life and to provide a prosperous future to our daughter. In the above said backdrop, the further continuation of criminal prosecution will not only be a futile one but also will cause disturbance to our peaceful life. Hence, I am not willing to proceed further with the criminal prosecution against the petitioner. I am advised that section 363 of IPC is a non-compoundable offence, but it is necessary to accept this affidavit for compromise to meet the ends of justice.

Therefore it is prayed that this Hon'ble Court may be pleased to accept this affidavit and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render Justice.

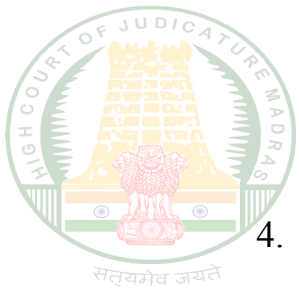
Solemnly affirmed at Madurai
the contents of the affidavit
were read over and explained
to the deponent and after having
understood the contents of the
affidavit, he had signed his name
in my presence this the day
of ~~August~~ 2023
June

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[Signature]

Before Me

S. Rajendran 737/11
Sd/- MSA
Principali Law College
- 12, Swamyar, Alandi
MSA - 9686598921



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4. The petitioner, namely, G.Muthulakshmi (Aadhaar No.3004 8689 9637) and the second respondent, namely, A.Murugan (Aadhaar No.3274 9665 2734) 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.5 of 2023 pending on the file of learned Judicial Magistrate, Cheranmahadevi is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

26.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Judicial Magistrate,
Cheranmahadevi.
- 2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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