

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.10876 of 2015

1.J.D.Borg Andrew
2.Jenklin
3.Emy Maragadham
4.Lalith Martina

...Petitioners

Vs

1.Sub Inspector of Police,
W-13, All Women Police Station,
Washermanpet, Chennai.

2.M.Merlin Shalini

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records made in C.C.No.2806 of 2014 on the file of the XV Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mrs.Sudharshana Sunder

For R1 : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to call for the records made in C.C.No.2806 of 2014 on the file of the XV Metropolitan Magistrate, George Town, Chennai and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the material placed on record.

3. It is seen that the first petitioner got married to the second respondent on 28.07.2011 and they have one child through the wedlock. It appears that their matrimonial life ran into rough

weather and the spouses have estranged. Thereafter, several litigations were initiated between the parties.

4. On a complaint lodged by the defacto complainant, the Police registered a case in Crime No.5 of 2014 for offences under Section 323, 506[i] IPC was registered against the petitioners herein and after completing the investigation, the Police filed a Final Report, which was taken on file as C.C.No.2806 of 2014 by the XV Metropolitan Magistrate, George Town, Chennai.

5. In the meantime, the petitioner/accused filed O.P.No.2994 of 2014 for divorce under the Christian Marriage Act and in that proceedings, the parties appeared to have arrived at a compromise on 22.04.2015. Some of the terms of the compromise are:

"... [d] The respondent has filed two criminal cases against the petitioner and his family in DVC.No.40/14 and C.C.No.2806/2014 before the XV Metropolitan Magistrate Court, George Town, Chennai. The respondent undertake to withdraw the same on receipt of the above said amount.

[e] The respondent further undertakes that there is no other pending against the petitioner before any other forum and the respondent would not file any case in future in this regard."

6. Based on the said compromise, this application for quashing the prosecution has been filed. Today, the first petitioner and the defacto complainant are present. This Court enquired the defacto complainant and she confirmed that they have entered into a compromise and that she has voluntarily come forward to say no objection for quashing the prosecution against the petitioner.

7. In view of the above, prosecution in C.C.No.2806 of 2014 is quashed and this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gya

To

1.XV Metropolitan Magistrate,
George Town,
Chennai.

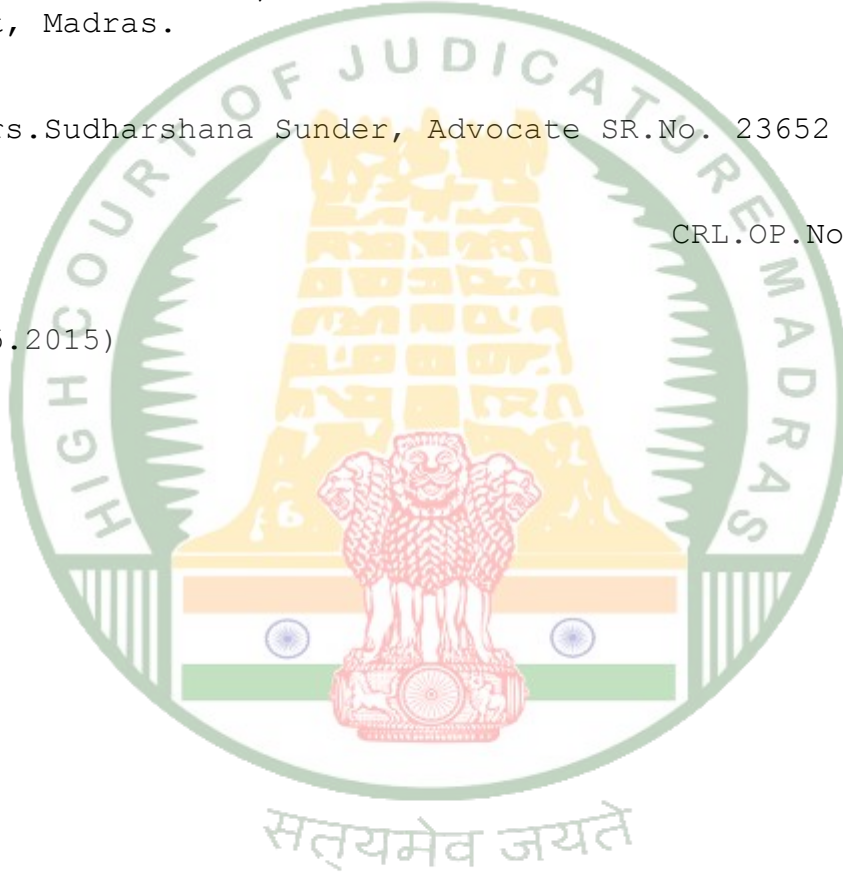
2.The Sub Inspector of Police,
W-13, All Women Police Station,
Washermanpet, Chennai.

3.The Public Prosecutor,
High Court, Madras.

1 CC to Mrs.Sudharshana Sunder, Advocate SR.No. 23652

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VD (CO)
PSI (19.05.2015)



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