

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.11070 of 2015

1.M.Suresh
2.M.Suseela
3.M.Selvam

... Petitioners

Vs

1.State rep by
The Inspector of Police,
W-17, All Women Police Station,
Pervalur,
Chennai-82.

2.S.Hemavathy

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in CC.No.4298 of 2010 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.S.Srinivasan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor for R1

Ms.Subadra Suresh for R2

ORDER

This petition has been filed to call for the records in CC.No.4298 of 2010 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and to quash the same.

2. Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor appearing for the respondent No.1 and the learned counsel appearing for the respondent No.2 and perused the material placed on record.

3. The 1st petitioner M.Suresh got married to S.Hemavathy, the defacto complainant on 28.03.2007 and thereafter, their marriage life ran into rough weather and they have one child through the wedlock. The spouses got estranged and several cases were filed by the parties against each other.

4. On the complaint lodged by S.Hemavathy, the respondent Police has registered a case in Crime No.1 of 2010 for offences under Sections 498A and 323 IPC and 4 of the Dowry Prohibition Act against Suresh and two others. The respondent Police has completed the investigation and filed a Final Report, which was taken on file in CC.No.4298 of 2010 by the learned Chief Metropolitan Magistrate, Egmore, Chennai.

5. It appears that the parties seem to have arrived at a compromise and it is also seen that the decree of divorce has been passed in HMOP.No.1323 of 2015 on 24.04.2015 by the Principal Family Court, Chennai.

6. Today, Ms.S.Hemavathy is present before this Court and she has also filed an affidavit, wherein, in paragraph Nos. 16 and 17, it is stated as follows:

"16.I state that the decision of the second respondent and myself to enter into the above Marital Settlement Agreement is own interest and without any external pressure and the registration of an FIR against respondent No.2 to 4 above named based on the complaint lodged by me because of ill advice rendered to me, cannot be a hurdle for them to take recourse of dispute settlement mechanism such as conciliation mediation, counseling of the parties, etc., in a peaceful manner.

17.I state that in the above CC.No.4298 of 2010, single the witness has not been examined by the first respondent police and the criminal trials lead to immense sufferi8ng for all concerned. Even ultimate acquittal in the trial also may not be able to wipe out the deep scars of suffering of ignominy. I further state that when there is no sufficient and reasonable ground to proceed further against the accused and if the proceedings still continue further, it would be sheer harassment to the accused to undergo rigors of trial in the absence of any chance of conviction. Therefore, this case is a fit case to exercise the powers of this Hon'ble Court available under Section 482 CrPC."

7. In view of the above, the prosecution in CC.No.4298 of 2010 is hereby quashed. Hence, this petition is allowed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

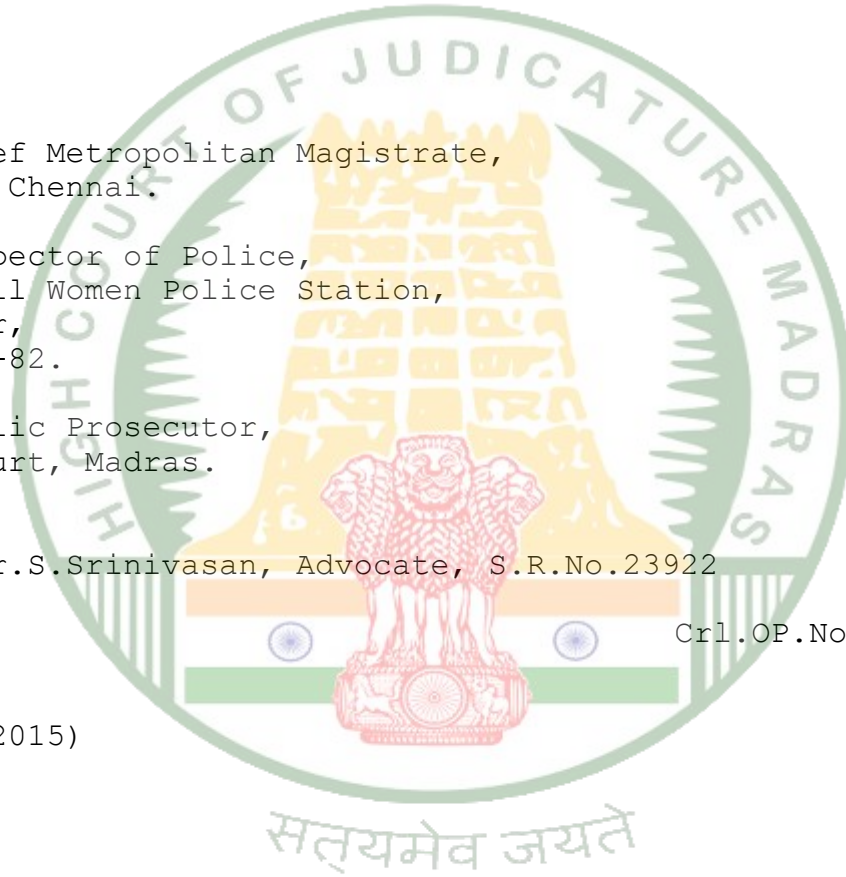
2.The Inspector of Police,
W-17, All Women Police Station,
Pervalur,
Chennai-82.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Srinivasan, Advocate, S.R.No.23922

Cr1.OP.No.11070 of 2015

TEJ(CO)
CA(12/05/2015)



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