

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.11503 of 2015

B.Madhan
S/o.N.Bhaskaran

...Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Central Crime Branch,
Team XIX
Chennai.

2.N.S.Shanthakumari
D/o. Late N.M.Somasundaram

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in Crime No.9 of 2012 on the file of the first respondent and quash the same.

For Petitioner : Mr.L.Baskaran

For Respondents: Mr.C.Emalias [for R1]
Additional Public Prosecutor
Mr.Karthikeyan [for R2]

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed praying to to call for the records in Crime No.9 of 2012 on the file of the first respondent and quash the same.

2. Heard Mr.L.Baskaran, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and Mr.Karthikeyan, learned counsel appearing for the second respondent.

3. It is seen that N.S.Shanthakumari, the defacto-complainant got married to B.Madhan (A1) on 19.04.2012 and their matrimonial

life was a failure. On the complainant lodged by N.S.Shanthakumari, the respondent-Police registered a case on 11.05.2012 against the petitioner and six others for offence under Section 498A, 417, 420 IPC r/w. 109 IPC.

4. It appears that during the pendency of investigation, B.Madhan(petitioner) and the defacto-complainant N.S.Shanthakumari, appeared to have arrived at a compromise and they have entered into a joint agreement before the Family Court Mediation Centre on 04.03.2015, in terms of which, the defacto-complainant has agreed to give "No Objection" for quashing the prosecution in Crime No.9 of 2012. The defacto-complainant has also filed an affidavit wherein, in paragraph No.6, it is stated as follows :

"6.I state that the offence under section 498-A, 417, 420 r/w 109 of IPC are the non-compoundable offences as it falls out of the purview of section 320 IPC and hence I am approaching this Hon'ble Court under section 482 Cr.P.C. to compound the offences.

In these circumstances, it is therefore humbly prayed that this Hon'ble Court may be pleased to permit us to compound the offences in Crime No.9 of 2012 on the file of the first respondent and quash the same and thus render justice."

5.The defacto-complainant is also present before this Court and this Court enquired and found that she has come on her own volition. In view of the above, the prosecution in C.C.B. Crime No.9 of 2012 is quashed.

6. With the above observation, this Criminal Original Petition stands allowed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mps/ds

To

1.The Inspector of Police,
Central Crime Branch,
Team XIX
Chennai.

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.L. Baskaran, Advocate, Sr. 24616
2 ccs to Mr.S. Karthikeyan, Advocate, Sr. 24907

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2015

KU (CO)
kk 25/5



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