

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.15732 of 2015

Shashank Pandey

... Petitioner

Vs

1.The State rep.by
The Inspector of Police,
W-1, All Women Police Station,
St.Thomas Mount,Chennai.

2.Roshini Pandey

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.84/2011 pending on the file of the Judicial Magistrate, Alandur and to quash the entire proceedings in C.C.No.84 of 2011 as against the petitioner herein.

For Petitioner :Mr.G.Anabaya Chozhan

For Respondents :Mr.C.Emalias
Additional Public Prosecutor(for R1)
Mr.G.Prabaakaran for R2

ORDER

Roshini got married to Pandey on 02.05.2009 and their marriage ran into rough weather, which resulted in their estrangement. On a complaint lodged by Roshini, the respondent police registered a case in Crime No.7 of 2010 for offences under Sections 498(A), 406, 324 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act. After completing the investigation, a final report has been filed before the Learned Judicial Magistrate, Alandur, which was taken on file in C.C.No.84 of 2011. During the pendency of the prosecution, the parties appear to have amicably settled the disputes and they are living together.

2.Today both the parties are present and Roshini has filed an affidavit before this Court wherein, in paragraph No.4, she has stated as follows:-

"4.The petitioner further submits that the 2nd respondent had also subsequently launched proceedings against the petitioner under the provisions of Domestic Violence Act before the Xth Metropolitan Magistrate in C.C.No. 5143/2011. During the pendency of the above said criminal cases, the petitioner and 2nd respondent at the instance of elders of family, and well wishers mutually negotiated all the disputes and indifferences prevailed among them and arrived at a compromise and resolved to save the material tie and to get united. Further, keeping welfare and future of their child in mind, both the petitioner and the 2nd respondent, have decided to forget and give up all the bitter happenings of past and voluntarily decided to recommence their marital life afresh and accordingly the petitioner and 2nd respondent have joined together along with their child and living together as cordial husband and wife from 2013 at Bangalore. Ensuring proper care and cordial living with the 2nd respondent, the petitioner also sworn an affidavit and the same has been filed along with this quash petition."

The parties are identified by Ms.S.Suganthi, W.Gr.I 20804.

3.In view of the settlement arrived at between the parties, the prosecution in C.C.No.84 of 2011 pending on the file of the Judicial Magistrate, Alandur, is hereby quashed and the criminal original petition is allowed. No costs.

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s/d-
Assistant Registrar(Ad-I)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
W-1, All Women Police Station,
St.Thomas Mount,Chennai.

2.The Judicial Magistrate, Alandur.

3.The Public Prosecutor,
High Court, Madras.

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