

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.17351 of 2015

1. D.Vijayalakshmi

2. D.Rajesh

.. Petitioners/Accused

Vs.

1. State rep. by

The Inspector of Police,
All Women Police Station,
Virudhachalam Police Station,
Cuddalore District.

2. Andal @ Nithya

.. Respondents/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records and quash the Criminal Complaint in C.C.No.87 of 2010 pending on the file of the Judicial Magistrate No.1, Virudhachalam, against these petitioners.

For Petitioners : Mrs.V.S.Usharani

For R-1 : Mr.C.Emalias,

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioners praying to quash the Criminal Complaint in C.C.No.87 of 2010 pending on the file of the Judicial Magistrate No.1, Virudhachalam.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. On a complaint lodged by one Andal, the first respondent police registered a case in Crime No.9/2010 for the offences under Sections 498-A, 343, 406, 506(i) and 294(b) IPC and Section 4 of Dowry Prohibition Act, against one Rajesh (A.1) and Vijayalakshmi (A.2). It is the case of Andal / de facto complainant that she got married to the first accused / Rajesh on 25.01.2006 and thereafter, on account of serious differences, they were estranged. The first

respondent police completed the investigation and filed final report in C.C.No.87/2010 before the learned Judicial Magistrate No.1, Virudhachalam, against Rajesh (A.1) and his mother Vijayalakshmi (A.2). During the pendency of the prosecution in C.C.No.87/2010, it appears that the parties have arrived at an amicable settlement and they filed a petition in H.M.O.P.No.130 of 2010 before the Principal Sub-Court, Virudhachalam under Section 13(B) of the Hindu Marriage Act for divorce. Before the divorce Court, Andal / de facto complainant agreed that she will withdraw the prosecution in C.C.No.87/2010. The first respondent viz., Rajesh also agreed to pay a total sum of Rs.6,00,000/- to his wife viz., Andal / de facto complainant. Out of which, the first accused / Rajesh had paid a sum of Rs.5,00,000/- during the pendency of the divorce proceedings and a sum of Rs.1,00,000/- was retained and was agreed to be paid at the time when the criminal proceedings in C.C.No.87/2010 is withdrawn by the de facto complainant / Andal.

4. In view of the settlement arrived at between the parties, the marriage was dissolved by a decree of divorce dated 02.03.2012 in H.M.O.P.No.130/2010 by the learned Principal Sub-Judge, Virudhachalam.

5. Today, the de facto complainant / Andal is present before this Court and she has been identified by Mrs.P.Malliga, Sub-Inspector of Police, All Women Police Station, Virudhachalam. A sum of Rs.1,00,000/- was handed over to the de facto complainant / Andal in the open Court today by the first accused / Rajesh. When this Court enquired with Andal, she stated that in view of the settlement arrived at, she has no objection to quash the prosecution in C.C.No.87/2010 pending on the file of the learned Judicial Magistrate No.1, Virudhachalam.

6. In view of the above, this Criminal Original Petition is allowed and the prosecution in C.C.No.87/2010 (Virudhachalam All Women Police station Crime No.9/2010), pending on the file of the learned Judicial Magistrate No.1, Virudhachalam, is hereby quashed.
Jrl

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.1,
Virudhachalam.
2. The Principal Sub Judge,
Virudachalam.

3. The Inspector of Police,
All Women Police Station,
Virudhachalam Police Station,
Cuddalore District.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.S.Usha Rani, Advocate SR 38623

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