

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-8-2015

CORAM:

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

Criminal Original Petition No.17360 of 2015

1. Prem John Edward
2. Irudayamary
3. S. Varathan ... Petitioners/Accused

Vs.

1. State, rep.by the Inspector of Police,
Central Crime Branch XVIII Team,
Thousand Lights,
Chennai - 600 006.
2. G. Susan Reacca ... Respondents/Complainant

(R-2 impleaded as per order of the Court
dated 27.8.2015 in M.P.No.1 of 2015)

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure with a prayer to call for the records in C.C.No.102 of 2011 in Cr.No.82 of 2008 on the file of the Judicial Magistrate No.I, Poonamallee and quash the proceedings.

For Petitioner : Dr.G.Krishnamurthy

For 1st Respondent : Mr.C.Emalias,
Additional Public Prosecutor

For 2nd Respondent : Mr.R.Vetri

ORDER

For the sake of convenience, the parties will be referred to by their name.

2. Prem John Edward (A-1) is the husband of G.Susan Rebeacca, and they have one daughter. Some time in the year 2005 the couple got estranged. It appears that when they were living together, G.Susan Rebecca got power of attorney of the land measuring 2609 sq.ft in Kattabomman Street, Kamaraj Nagar, Avadi, Chennai, vide

document No.587/2001. Thereafter, it is alleged that Prem John Edward (A-1) had the property transferred to his name by setting up his own sister Irudayamary (A-2) as G.Susan Reacca.

3. On the complaint lodged by G.Susan Rebeacca, the first respondent Police registered a case in X.Cr.No.82 of 2008 and after completing investigation, filed final report for the offences under Sections.419, 420, 465, 467, 468 read with 471, read with 120(b) & 109 IPC, before the Judicial Magistrate No.I, Poonamallee against Prem John Edward (A-1), J.Irudayamary (A-2), V. Chandran (A-3), and S.Varadan (A-4). Pending investigation, V.Chandran (A-3) died on 20.7.2012 and the case abated as against him.

4. Now it appears that G.Susan Rebecca and Prem John Edward (A-1) have rejoined and they are living together happily. Therefore the parties are before this Court for quashing the prosecution in X.Cr.No.82 of 2008.

5. Today G.Susan Rebeacca is present in the Court and she has filed an affidavit wherein in paragraphs 4 and 5 read as follows:

"4. That in the meanwhile, due to the efforts taken by the elders and the daughter of both, the petitioner and complainant (1st petitioner and the defacto complainant) a compromise has been evolved, after which I have condoned the actions of the second and third petitioner and therefore in the interests of protecting the family, all the petitioners have resolved to withdraw the cases pending against them.

5. I submit that this affidavit may be taken on file and record and to compound the offence in C.C.No.102/2011 in X.Cr.No.82/2008, on the file of the Hon'ble Judicial Magistrate No.I, Poonamallee."

6. Recording the above statements, the prosecution in X-Cr.No.82 of 2008 on the file of the Judicial Magistrate No.I, Poonamallee is hereby quashed and this criminal original petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vr

To

1. The Judicial Magistrate No.I, Poonamallee.
2. -do- the Through The Chief Judicial Magistrate, Tiruvallur.
3. The Inspector of Police,
Central Crime Branch XVIII Team,
Thousand Lights, Chennai - 600 006.
4. The Public Prosecutor,
High Court, Chennai.

+ 2 ccs to Dr.G.Krishnamoorthy, Advocate Sr.45894

CrI.O.P.No.17360 of 2015

TEJ(CO)
Eu 04.09.15



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