

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Cr1.O.P. No.32583 of 2014

1.Rajaram
2.Mrs.Saraswathi
3.Mrs.Jothi
4.Maheswari
5.Shanthi ... Petitioners/Accused 1,3,4,6 & 7

vs.

1.State rep.by Inspector of Police,
All Women Police Station,
Mettur Taluk, Salem District.
(Crime No.10 of 2009)

2.S.Kavitha ... 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 proceedings in C.C.No.27 of 2011 on the file of the Judicial Magistrate No.II, Mettur.

For Petitioners : Mr.Ilamthiraiyan
for M/s. Sai Bharath and Ilan

For 1st Respondent : Mr. M. Maharaja,
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the proceedings in C.C.No.27 of 2011 on the file of the learned Judicial Magistrate No.II, Mettur.

2. The second respondent gave a complaint against the petitioners and on the basis of the complaint, the first respondent registered a case in Crime No.10 of 2009 for offence under Section 498(A), 232 and 506(i) of the IPC and after investigation, charge sheet was filed against the petitioners for the said offences.

3. The learned counsel appearing for the petitioners filed a joint affidavit sworn by the second respondent who is the defacto complainant along with her husband, who is the first petitioner, stating that they have been living together for the past three years and they have settled the differences amicably and therefore, there is no need to proceed further with the criminal case in C.C.No.27 of 2011 pending on the file of the learned Judicial Magistrate No.II, Mettur.

4. Today, The first petitioner and the second respondent are present in Court. The petitioner was enquired. The second respondent was also enquired and she admitted the joint affidavit filed by them and she stated that they are living together and there is no need to proceed further with the case filed at her instance against the petitioners. The identity of the second respondent is also proved by the production of the Voter's identity card.

5. Considering the joint affidavit filed by the second respondent/defacto complainant along with the first petitioner stating that she was living with her husband for the past three years and settled the issues amicably and did not want to prosecute the matter further and having regard to the fact that the petitioners are charged with offence under Section 498(A), 323 and 506(ii) of the IPC, I am inclined to quash the impugned proceedings.

6. Accordingly, the proceedings in C.C.No.27 of 2011 on the file of the learned Judicial Magistrate No.II, Mettur is quashed and the Criminal O.P. is allowed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

asvm

To

1.The Judicial Magistrate No.II,
Mettur.

WEB COPY

2. do thro the Chief Judicial Magistrate
Salem

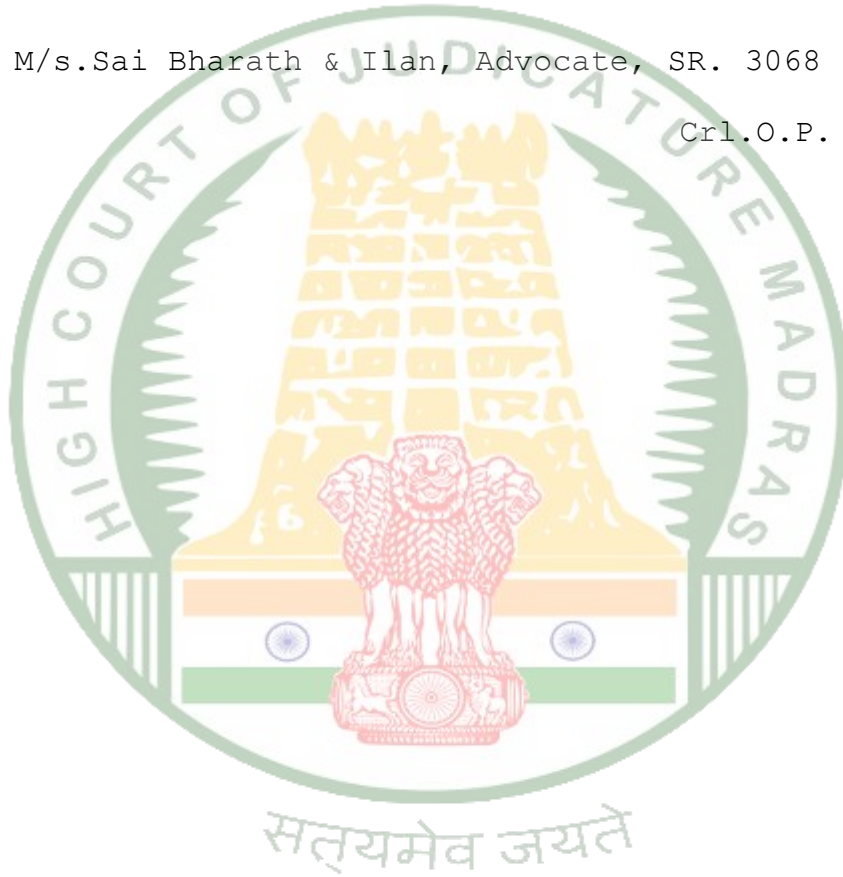
3. The Inspector of Police,
All Women Police Station,
Mettur Taluk, Salem District.

4. The Public Prosecutor,
High Court, Madras

1 cc to M/s.Sai Bharath & Ilan, Advocate, SR. 3068

Crl.O.P. No.32583 of 2014

UG (CO)
kk 5/2



WEB COPY