

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.18109 of 2015

and

CRL.OP.No.9741 of 2014 & MP.Nos.1,2 of 2014

and

CRL.OP.No.12470 of 2014 & MP.No.1 of 2014

Cr1.OP.No.18109/2015 :

K.Pradeep Kumar

.... Petitioner/First
Respondent

Vs

A.Mohanapriya

... Respondent/Petitioner

Cr1.OP.No.9741/2014 :

Mohanapriya

.... Petitioner/Accused

Vs

1.The Inspector of Police,
Cyber Crime,
Central Crime Branch,
Chennai City.

... Respondent/Complainant

2.Krishnamoorthy

... Respondent/Defacto Complainant

Cr1.OP.No.12470/2014 :

1.Krishnamoorthy

2.Kalaiselvi

3.Banurekha

... Petitioners/Respondents

Vs

Mohanapriya

... Respondent/Complainant

Prayer in Crl.OP.Nos.18109 of 2015 & 12470 of 2014: Criminal Original Petitions filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.1928 of 2014 on the file of the V Metropolitan Magistrate, Egmore, Chennai and quash the same.

Prayer in Crl.OP.No.9741 of 2014: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records connected with the FIR in CR.No.389 of 2013 on the file of the Inspector of Police, Cyber Crimes, Central Crime Branch, Chennai and quash the same.

For Petitioner/s : Mr.S.John J.Rajasingh
in Crl.OP.No.18109/15
& Crl.OP.No.12470/14
in Crl.OP.No.9741/14 : Mr.T.P.Senthil Kumar

For Respondent/s : Mr.V.Sathish
in Crl.OP.No.18109/15
& Crl.OP.No.12470/14
in Crl.OP.No.9741/14 : Mr.C.Emalias, APP [for R1]
: Mr.S.John J.Rajasingh [for R2]

C O M M O N O R D E R

Crl.OP.Nos.18109 of 2015 and 12470 of 2014 have been filed to quash the proceedings in C.C.No.1928 of 2014 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

Crl.OP.No.9741 of 2014 has been filed to quash the FIR in CR.No.389 of 2013 on the file of the Inspector of Police, Cyber Crimes, Central Crime Branch, Chennai.

2. It is seen that on the complaint lodged by Krishnamoorthy, the respondent Police registered a case in Crime No.389 of 2013 against his daughter-in-law Mohanapriya for offences under Section 66A, 67A of the Information Technology Act, 2000 and Section 4 of TNPHW Act. Mohanapriya who is the wife of Pradeep Kumar launched proceedings under the DV Act against her husband and in-laws in CC.No.1928 of 2014 before the learned V Metropolitan Magistrate, Egmore, Chennai, challenging which, Pradeep Kumar and the other respondents have filed Crl.OP.No.18109 of 2015 and 12470 of 2014.

3. Earlier, it is seen that Pradeep Kumar and his family members had filed Crl.OP.No.23980 of 2014 for anticipatory bail in crime No.not known. This Court had referred Crl.OP.No.23980 of 2014 to the Tamil Nadu Mediation and Conciliation Centre, where all

the parties had appeared and they have settled all the issues amicably. They have also entered into a mediation agreement on 29.10.2014. Pursuant to which, CrI.OP.No.23980 of 2014 was listed before this Court on 20.11.2014 and the mediation agreement was recorded.

4. Today, Mr.Krishnamoorthy the de facto complainant in crime No.389 of 2013 is present and he has been identified by Mr.J.Melwyn Rajasingh, Inspector of Police, Cyber Crime Cell, CCB. Mohanapriya who has filed the DV Act proceedings in CC.No.1928 of 2014 before the learned V Metropolitan Magistrate is also present before this Court. Krishnamoorthy has filed an affidavit, wherein, in paragraph No.5 to 7, it is stated as follows:

"5. I state that a Mediation Agreement was reached between myself, my family members and the Petitioner/Accused and her family members before the Tamilnadu Mediation and Conciliation Center in CrI.O.P.23980 of 2014 on 29.10.2014 in Mediation Case No.854/2014. In the aforesaid Mediation Agreement I along with my family members amicably agreed to solve the disputes with the Petitioner/Accused and her family completely and forever without any further issues.

6. I state that based on the terms and conditions of the aforesaid Mediation Agreement I am willing to withdraw Crime No.389 of 2013 on the file of The Inspector of Police, Cyber Crime Cell, Central Crime Branch, Vepery, Chennai.

7. I therefore humbly pray this Hon'ble Court accept the aforesaid reasons and allow this Quash Petition by Quashing the Crime No.389 of 2013 on the file of the First Respondent and thus render justice."

Mohanapriya has filed an affidavit, wherein, in paragraph Nos.3 to 6, it is stated as follows:

"3. I state that a Mediation Agreement was reached between myself, my family members and the Petitioners/Respondents before the Tamilnadu Mediation and Conciliation Center in CrI.O.P.23980 of 2014 on 29.10.2014 in Mediation Case No.854/2014. In the aforesaid Mediation agreement I along with my family members amicably agreed to solve the disputes with the Petitioners/Respondents completely and forever without any further issues.

4. I state that based on the terms and conditions of the aforesaid Mediation Agreement I am willing to withdraw the C.C.1928 of 2014 on the file of Honourable V Metropolitan Magistrate, Egmore, Chennai.

5. I also state that myself and Pradeep Kumar have applied for Mutual Consent Divorce before the Principal

Family Court at Chennai in H.M.O.P.4622/2014 and the same was allowed on 01.07.2015.

6. I therefore humbly pray this Hon'ble Court accept the aforesaid reasons and allow this Quash Petition by Quashing the C.C.1928 of 2014 on the file of Honourable V Metropolitan Magistrate, Egmore, Chennai and thus render justice."

5. In view of the settlement arrived at between the parties, the FIR in crime No.389 of 2013 pending on the file of the Inspector of Police, Cyber Crime, CCB is quashed against all the accused. Similarly, the DV Act proceedings in CC.No.1928 of 2014 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai is also quashed and accordingly, these petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.V Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
Cyber Crime,
Central Crime Branch,
Chennai City.

3.The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.S.John J.RajaSingh, Advocate, S.R.No.39129

CRL.OP.No.18109 of 2015
and

CRL.OP.Nos.9741, 12470 of 2014

JSV(CO)
CA(12/08/2015)