

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 7-9-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.19367 of 2015

1. N. Prabhu
 2. S. Nachimuthu
 3. N. Padmavathi
 4. N. Gopi
- ... Petitioners/Accused.

Vs.

1. The Inspector of Police,
All Women Police Station,
Erode
 2. P.Karpagam
 3. R. Savithiri
- ... Respondents/Complainant.

Criminal Original Petition filed under Section 482 Cr.P.C. with a prayer to call for the records and quash criminal proceedings initiated against the petitioners in C.C.No.165 of 2014 on the file of learned Judicial Magistrate at Perundurai, Erode District.

For Petitioners : Mr.S.Saravanan

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

For Respondents 2&3 : Ms.M.Backiya Lakshmi

O R D E R

On a complaint lodged by P.Karpagam/2nd respondent herein, the first respondent/Police registered a case in Cr.No.12 of 2014 and after completing investigation, filed final report in C.C.No.165 of 2014 under Sections 498(A), 294, 354, 448, 506(ii) IPC r/w Section 4 of the Tamil Nadu Prevention of Harassment to Women Act r/w Section 4 of Dowry Prohibition Act, before the learned Judicial Magistrate, Perundurai, challenging which the accused are before this Court.

2. It appears that during pendency of the prosecution, the parties have arrived at an amicable settlement and have filed a joint memo of compromise dated 10th August, 2015, signed by both parties.

3. Today, P.Karpagam, defacto complainant is present in the Court and she was identified by P.Rajasulochana, Sub-Inspector of Police, All Women Police Station, Erode. The defacto complainant P.Karpagam filed an affidavit, wherein paragraph 3 reads as follows:

"3. I further submit that in accordance with the compromise entered between the parties herein, I hereby withdraw the complaint and allegations made against the petitioners in C.C.No.165 of 2014 pending before learned Judicial Magistrate, Perundurai, Erode District as the matter is settled out of Court. However, the offences under Sections 498(A), 294(b), 406, 448, 506(ii) of IPC and Section 4 of TNPHW Act are non-compoundable in nature, I hereby pray this Hon'ble Court to invoke the inherent jurisdiction under Section 482 of Cr.P.C. for the purpose of securing the ends of justice as Section 320 of Cr.P.C. would not be a bar for exercising the inherent power of this Hon'ble Court to quash the criminal proceedings.

Under these circumstances, it is hereby prayed that this Hon'ble Court may be pleased to record and accept this affidavit and permit me to withdraw my complaint and allegations made by me against the petitioners herein and call for records and quash the criminal proceedings initiated against the petitioners in C.C.No.165 of 2014 on the file of learned Judicial Magistrate at Perundurai, Erode District and pass such or other orders as this Hon'ble Court may deem fit and proper and thus render justice."

4. In view of the above, the prosecution in C.C.No.165 of 2014 on the file of Judicial Magistrate, Perundurai, is hereby quashed and this petition is allowed.

vr

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, All Women Police Station, Erode
 2. The Judicial Magistrate, Perundurai, Erode District.
 3. The Public Prosecutor, High Court, Madras
- + 1 cc to Mr.S.Saravanan, Advocate, SR 48418

vgi(co)
prk25/9

CrI.O.P.No.19367 of 2015



WEB COPY