

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2015

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

CRL.O.P.No.19425 of 2015

and

M.P.Nos.1 and 2 of 2015

K.Bharathi

.. Petitioner/3rd Accused

Vs.

1. State rep. by
The Inspector of Police,
T-3, Korattur Police Station,
Chennai.
(Cr.No.690 of 2014) ..1st Respondent/Complainant

2. Hemalatha ..2nd Respondents/
Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to call for the records in C.C.No.31/2015 on the file of
the Judicial Magistrate, Ambattur and to quash the same.

For Petitioner : Mr. A.D.Jagadish Chandira
For 1st Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner seeks to call for the records in
C.C.No.31/2015 on the file of the Judicial Magistrate, Ambattur and
to quash the same.

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

3. The case of the prosecution is that Chandrasekar
(A1) is the husband of Premalatha and there was matrimonial dispute
between them, on account of which, Premalatha was living in the
house of her sister Hemalatha. It is alleged that on 01.05.2014,
Chandrasekar(A1), Karthik(A2) and Bharathi (A3/ petitioner herein)
entered into the house of Hemalatha to question about Premalatha
and a quarrel ensued, in which Hemalatha was assaulted.

4. The respondent police registered a case in Crime
No.690/2014 and after completing investigation, filed a final
report in C.C.No.31/2015 for the offences under Sections 341, 294
(b), 323, 448, 427 and 506(i) IPC against the three accused, namely,
Chandrasekar(A1), Karthik(A2) and Bharathi (A3) before the learned
Judicial Magistrate, Ambattur.

5. Learned counsel for the petitioner submitted that Chandrasekar (A1) and his wife Premalatha are now living together. in spite of which, Hemalatha is prosecuting the case.

6. Learned counsel for the petitioner submitted that if one opportunity is given for the parties to appear before the Mediation Center, this family dispute can be easily resolved.

7. Learned Additional Public Prosecutor on instructions from the respondent police, submits that trial in the case in C.C.No.31 of 2015 has commenced and Hemalatha has been examined as witness.

8. When trial has commenced, this court will not interfere to quash the prosecution. However, since the dispute essentially appears to be between family members, this court directs the learned Judicial Magistrate, Ambattur, to refer the parties to the local Mediation Centre, so that, possibilities of settlement between the parties could be explored.

9. Accordingly, this court directs the learned Judicial Magistrate, Ambattur, to refer the parties to the Mediation Centre attached to Ambattur court, with a direction that mediation proceedings shall be completed within two weeks from the date of reference. If the parties are able to arrive at a settlement, then, it is open to them to approach this court for quashing the prosecution in C.C.No.31/2015 on that ground.

10. With the above direction, this petition is closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Inspector of Police,
T-3, Korattur Police Station, Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai.

3. The Judicial Magistrate,
Ambattur.

+ 1 cc to M/s. A.D.Jagadish Chandira, Advocate Sr.

CRL.O.P.No. 19425 of 2015

ALA(CO)

En 14.08.15

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