

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20243 of 2015

1.Balajisethuramasamy Raja
2.Sethuramasamy Raja
3.Vasantha
4.Vasantharajan .. Petitioners

Vs

1.The State by S.I. of Police
W-18, All Women Police Station
M.K.B.Nagar, Chennai 600 039.
(CC.No.6/2007)
2.J.Sundari .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to C.C.No.8867 of 2007 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioners : Mr.T.P.Sekar
For R1 : Mr.C.Emalias,
Addl.Public Prosecutor
For R2 : Mr.Rajasekar

ORDER

This petition has been filed to call for the records relating to C.C.No.8867 of 2007 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

2. On a complaint lodged by Sundari, the respondent police registered a case in Cr.No.6 of 2007 and after completing the investigation, filed Final Report in C.C.No.8867 of 2007 before the learned Chief Metropolitan Magistrate, Egmore, Chennai, for offences under Sections 498(A), 406 IPC; Sections 4, 6 of Dowry Prohibition Act and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998. During the course of trial in the case, it appears that, the parties have amicably settled all the issues and they have come forward for quashing the prosecution in C.C.No.8867 of 2007.

3. Today Sundari, the defacto complainant is present and she is identified by G.Vanitha, WHC 18094, W18 All Women Police Station, MKB Nagar, Chennai. A joint compromise memo signed by Sundari and other accused has been filed, wherein it is stated as follows:

"4. It is submitted that the petitioners also agreed to pay a sum of Rs.15,00,000/- (Fifteen lakhs only) by way of DD.No.313926, dated 22.07.2015 drawn on State Bank of India, Padur Branch to the 2nd respondent for compromise and compound the offences in quash petition intending to file before the Hon'ble Madurai Bench of Madras High Court for the CC.No.325/2014 pending before the Judicial Magistrate Court, Thirumangalam, Madurai.

5. It is submitted that the petitioners also agreed to pay a sum of Rs.2,00,000/- (Two lakhs only) by way of DD.No.852494420, dated 21.07.2015, drawn on Indian Overseas bank, Vyasarpadi Branch to the 2nd respondent to close the complaint and to give letter not to take any further action or to close the FIR as Mistake of Facts for the Crime No.569/2013 pending before Thirumangalam Police Station, Madurai District.

It is submitted that as per the settlement arrived between the petitioners and 2nd respondent, the 2nd respondent also agreed and received the said amount as per the settlement arrived between them as full and final settlement in respect of this case and the 2nd respondent will not make any claim in future for her.

It is submitted that both will not claim any monetary benefit against each other. They further agree to give up all their rights and claims against each other including their articles, and other articles given at the time of marriage and thereafter since the same has been fully settled out of court.

It is further submitted that both the parties have agreed to not to claim any maintenance or alimony from each other in the future even under change of circumstances whatsoever. It is further submitted that they will not interfere with the life of each other in the future.

It is submitted that the 2nd respondent has consented for quashing the C.C.No.8867 of 2007. Since the respondent in acceptance of the amount of Rs.10,00,000/- (Ten lakhs only) by way of DD.No.852494330, dated 17.07.2015 and DD.No.852494405,

dated 21.07.2015, drawn on Indian Overseas Bank, Vyasarpadi Branch and signed the memo.

Therefore, it is prayed that this Hon'ble court may be pleased to record this compromise memo filed by the parties jointly and pass appropriate order in the above CrI.O.P.No.20243 of 2015 and thus render justice."

In view of the above, the prosecution in C.C.No.8867 of 2007 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai is quashed and this petition stands allowed.

gms

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

- 1.The S.I. of Police
W-18, All Women Police Station
M.K.B.Nagar, Chennai 600 039.
- 2.Chief Metropolitan Magistrate Court,
Egmore, Chennai .
- 3.The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.T.P.Sekar, Advocate SR 47080

vd(co)
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