

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.8.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.20321/2015

1. K.Vivek
2. P.K.Krishnan
3. V.K.Lakshmi
4. Vidhya ... Petitioners/Accused 1 to 4

Vs

1. State rep. By  
The Sub-Inspector of Police,  
All Women Police Station,  
Tiruvallur District. ... Respondent/Complainant
2. N.Nakshathra ... Respondent/defacto complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records in Cr.No.1/2015 pending investigation on the file of the Sub-Inspector of Police, All Women Police Station, Tiruvallur District, the first respondent herein and quash the same as against the petitioners herein.

For Petitioner :Mr.G.M.Ramasubramaniam  
senior counsel for Ram and Ram  
For R1 :Mr.Mr.C.Emalias  
Additional Public Prosecutor  
For R2 :Mr.K.Mohanraj

ORDER

It is the case of the prosecution that K.Vivek(A1) and Nakshathra (defacto complainant) got married on 12.05.2013 and their marriage ran into rough weather. On the complaint lodged by Nakshathra, the respondent police registered a case in Cr.No.1/2015 on 09.01.2015 under Sections 498(A), 406 and 506(i) of IPC against K.Vivek (A1), P.K.Krishnan (A2), V.K.Lakshmi (A3), Vidhya (A4), V.K.Srinivasa @ Ravi (A5) and Nelliappan (A6). Now, it appears that the defacto complainant and the petitioner/accused have arrived at an amicable settlement and they have walked out of differences and they have come forward to quash the FIR based on the Judgment of the Supreme Court in Gian Singh V.State of Punjab and another [(2012) 10 SCC 303] .

2. Today, Nakshathra (defacto complainant) is present and a joint affidavit has been filed wherein in paragraph Nos.3(ii) and 3(iii), it is stated as follows:

"3-ii) In furtherance of the said compromise arrived at between us, I, K.Vivek, hereby produce and hand over to N.Nakshathra the Demand Draft bearing No.146094 dated 04.08.2015 for Rs.15,00,000/- (Rupees fifteen lakhs only) drawn on Vijaya Bank, Tiruvallur in favour of N.Nakshathra and I.N.Nakshathra, hereby acknowledge the receipt of the above Demand Draft.

"3-iii) I, N.Nakshathra, hereby give no objection for quashing all further proceedings in Crime No.1/2015 dated 09.1.2015 pending on the file of the first respondent herein not only as against the petitioners herein but also against V.K.Srinivasan and Nalliappan. Both of us further agree and undertake that either of us shall disturb the other for any reason at any point of time in the future. I, K.Vivek, hereby agree and undertake not to claim any right over the child at any point of time in future."

3. The learned Additional Public Prosecutor submitted that investigation in this case has been completed and Final Report has been filed before the Judicial Magistrate, Tiruvallur. But no cognizance has been taken there on.

4. In view of the settlement arrived at between the parties, this petition is allowed and the entire prosecution including the FIR and Final Report in Cr.No.1/15 against all the accused including those who have not filed quash petition before this Court is hereby quashed.

kua

s/d-  
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate, Tiruvallur
2. The Sub-Inspector of Police,  
All Women Police Station,  
Tiruvallur District.
3. The Public Prosecutor,

High Court, Madras.  
+ 2 ccs to M/s.K.Mohanraj, Advocate SR 42523  
+ 3 ccs to M/s.Ram and Ram, Advocate SR 42524

rsi(co)  
prk31/8

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