

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.23515 of 2015

1.Udyaraj
2.Vasanthabai
3.Sashikala
4.kuldeepak @ Deepak

.. Petitioners

Vs

State represented by
1.The Inspector of Police,
W-5, All Women Police Station,
Vepari, Chennai.

2.Harsha

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.3503 of 2014 on the file of II Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.M.Babu Muthu Meeran

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

This petition is filed to quash the proceedings in C.C.No.3503 of 2014 on the file of II Metropolitan Magistrate, Egmore, Chennai.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. It is the case of the prosecution that Harsha (defacato complaint) got married to Kuldeepak @ Deepak (A4) on 07.03.2011 and they have one child through the wedlock. Their marriage ran into rough weather and the parties got estranged. On a complaint lodged by Harsha, the respondent police registered a case in Crime No.2 of 2013 and after completing the investigation filed a final report in C.C.No.3503 of 2014 before the learned II Metropolitan Magistrate, Egmore, Chennai for the offence under Sections 498(A) and 354 IPC and Section 4 of the Tamil Nadu Women Harassment Act.

4. Now it appears that the parties have arrived at an amicable settlement and they have come forward to quash the prosecution. Harsha (Defacto Complainant) is present before this Court. She has also filed an affidavit, in which para 3 to 5, it is stated as follows:

"3. I humbly submit that I have lodged a complaint before the Inspector of Police, All Women Police Station, Veperi against my husband and his parents and the same was registered in Crime No.2 of 2014 and charge sheet has been filed against them. The same has been taken on file in C.C.No.3503 of 2014 on the file of II Metropolitan Magistrate, Egmore. At the intervention of both family members, elders and well wishers, taken effort to settle the matter amicably. The 4th petitioner already deposited a sum of Rs.30,00,000/- as permanent alimony and the same was accepted by me and I am ready to withdraw the criminal case filed against the petitioners 1 to 4. Accordingly, the 4th petitioner has deposited a sum of Rs.20,00,000/- in favour of my minor daughter Pari at City Union Bank, T.Nagar Branch, bearing F.D.No.50070710007486, 500707010007487 dated 01.02.2014 and 500707010007057, 500707010007058 dated 28.01.2014 each F.D. carries 5 lakhs and deposited a sum of Rs.10,00,000/- in my favour vide F.D.No.500707010006499 and 5007071000520 dated 23.01.2014 each F.D. carries 5 laksh.

4.I humbly submit that now we have decided to settle the dispute amicably and have arrived at a settlement in terms of the final compromise through Memorandum of Understanding dated 10.09.2015. As per the Memorandum of Understanding we have already filed for dissolution of marriage by mutual consent in O.P.No.3516 of 2015 before the 1st Additional Family Court. Further I undertake to withdraw the case which is pending in C.C.No.3503 of 2014 on the file of II Metropolitan Magistrate, Egmore.

5. I humbly submit that under these circumstances, I pray that this Hon'ble Court may be pleased to accept my affidavit and quash the above case pending on the file of II Metropolitan Magistrate, Egmore, Chennai in C.C.No.3503 of 2014 and pass necessary orders as this Hon'ble Court may deem fit and proper and thus render justice."

In view of the above, this Criminal Original Petition is allowed and the proceedings in C.C.No.3503 of 2014 on the file of II Metropolitan Magistrate, Egmore, Chennai is hereby quashed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Inspector of Police,
W-5, All Women Police Station,
Vepari, Chennai.

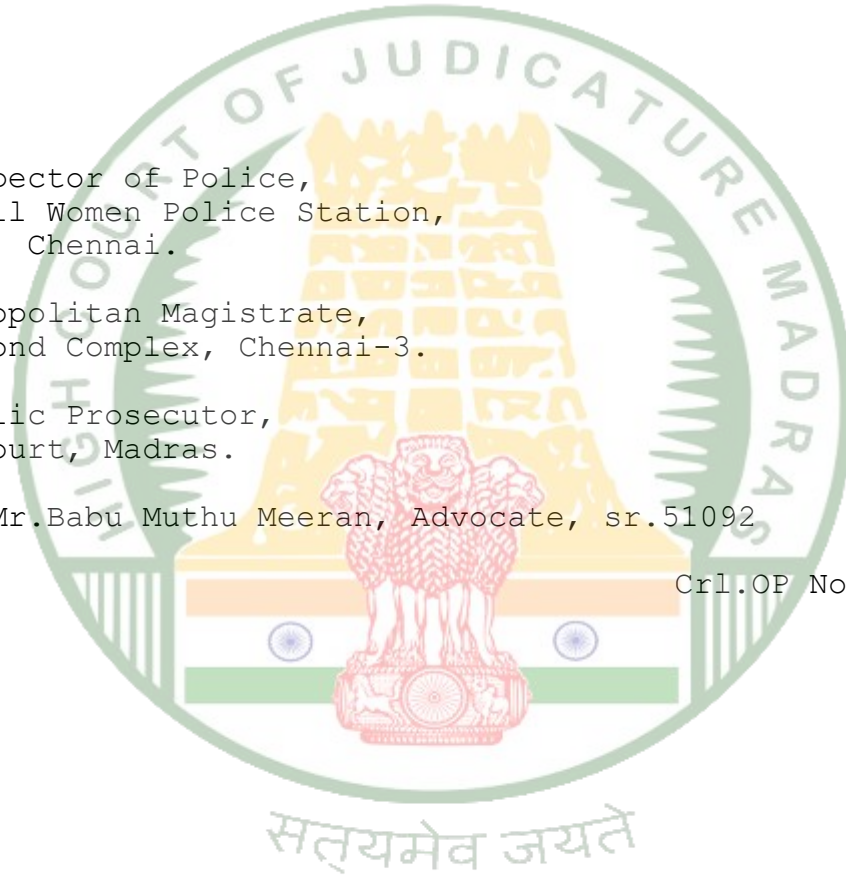
2.II Metropolitan Magistrate,
Lily Bond Complex, Chennai-3.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Babu Muthu Meeran, Advocate, sr.51092

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