

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.24159 of 2015
and MP.Nos.1,2 of 2015

1.Antony Raj
2.Theresa
3.Selvarani
4.Suresh
5.Latha

..Petitioners/Accused 1 to 5

Vs

1.Nancy Nirmala

2.State rep. by
Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai.

..Respondents/Defacto
Complainant/ Complainant

Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the records in CC.No.144 of 2015
on the file of the Judicial Magistrate, Tambaram and to quash
the same.

For Petitioners : Mr.L.Infant Dinesh

For Respondents : Ms.P.Selvi [for R1]

: Mr.C.Emalias, APP [for R2]

O R D E R

This petition has been filed to quash the proceedings
in C.C.No.144 of 2015 on the file of the 2nd respondent.

2. Heard the learned counsel for the petitioner;
learned counsel for the 1st respondent; learned Additional
Public Prosecutor for the 2nd respondent and perused the
materials placed on record.

3. It is seen that, Nancy Nirmala [1st respondent/de
facto complainant] got married to Antony Raj [1st
petitioner/A1] on 21.05.2013 and after marriage, their
matrimonial life ran into rough weather resulting in spouses
got estranged. On a complaint lodged by Nancy Nirmala, the

respondent police registered a case in Crime No.6 of 2014 and after completing the investigation, filed Final Report in CC.No.144 of 2015 before the learned Judicial Magistrate, Tambaram under Section 498A, 506[iii] IPC and 4 of TNWHA, challenging which, this quash petition has been filed on the ground that the parties have arrived at a compromise.

4. Today, Nancy Nirmala [de facto complainant] is present and she has filed an affidavit, wherein, in paragraph Nos.2,3 and 4, it is stated as follows:

"2. I state that owing to demand for dowry and for the cruelty meted out to me I lodged a complaint with the 2nd respondent police and a FIR was registered for offences under Section 498[A] IPC and Sec 4 of TN Women Harassment Act against all the petitioners herein. Subsequently a Final Report in CC.No.144 of 2015 was filed against the petitioners/accused and the same is pending on the file of the Judicial Magistrate, Tambaram.

3. The 1st accused Antony Raj filed a petition for divorce before the District Court, Chinglepet in IDOP No.98/14 against me. The case was referred to mediation and in the course of mediation the said Antony Raj and I agreed to resolve our dispute amicably by filing a petition for divorce on the ground of mutual consent. That apart, I also agreed in the Memorandum of Compromise and in the petition under Sec 10A of the Divorce Act for mutual consent divorce that I will file appropriate petitions to withdraw the criminal proceedings initiated by me against the petitioners herein.

4. I submit that in view of my undertaking in the Memo of Compromise and the petition for mutual consent divorce I hereby declare that I do not press any of the criminal charges against the petitioners. I have no objection in the above Crl.OP. being allowed."

5. In view of the above, the proceedings in CC.No.144 of 2015 on the file of the learned Judicial Magistrate, Tambaram is hereby quashed and this petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gya

To

1.The Judicial Magistrate,
Tambaram.

2. Do-Thro'The Chief Judicial Magistrate,
Chengalpat.

3.The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to MR. L.Infant Dinesh Advocate. SR.NO. 59930

CRL.OP.No.24159 of 2015

CO-KK
JD 16/11/2015



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