

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27517 of 2015

- 1.Elton Barres
 - 2.Mrs.Vijayarani Barres
 - 3.Mrs.Vijayadeepa Barres
 - 4.Mr.Surendiran @ Suri
- Petitioners/Accused

Vs.

1. State rep. by
Inspector of Police,
Muthiyalpet Police Station,
M.G.Road, Muthiyalpet,
Pudhucherry-605 003.
 2. Mrs.Aguila
- Respondents/Complainant and
Defacto Complainant.

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.279 of 2012 pending on the file of the learned Judicial Magistrate No.II, Pudhucherry and to quash the same.

For Petitioners : Mr.R.Vivekananthan

For Respondents : Mr.V.Balamurugan, APP (For R1)
Mr.K.Krishnamoorthy (For R2)

* * * * *

सत्यमेव जयते

ORDER

This petition has been filed by the petitioner praying to quash the criminal proceedings in C.C.No.279 of 2012 pending on the file of the learned Judicial magistrate No.II, Pudhucherry.

2.The case of the prosecution is that the 2nd respondent/defacto-complainant is the wife of the 1st petitioner's son viz., Barres Udayakumar. The petitioners herein are the in-laws of the 2nd respondent. The marriage between the 2nd respondent and the son of the 1st petitioner viz., Barres Udayakumar took place on 04.08.2006. After the marriage, the 2nd respondent and her husband resided in the matrimonial

home along with the petitioners herein and it is alleged that during that time, the petitioners harassed the 2nd respondent. Hence, a complaint was lodged by the 2nd respondent in M.C.No.5 of 2010 under the Domestic Violence Act, against the petitioners herein and her husband, before the learned Judicial Magistrate No.II, Pudhucherry. After completion of investigation, chargesheet was filed by the 1st respondent-police and the same was taken on file in C.C.279 of 2012 under Sections 294, 354, 498A, 506(i) IPC and Section 4 of Dowry Prohibition Act. Now, the petitioners have come forward with the present petition before this Court seeking to quash the criminal proceedings.

3. When the matter came up for herein on 26.11.2015, both the parties appeared before this Court and represented that they have arrived at an amicable settlement. Today, when the matter is taken up for consideration, the 2nd respondent/defacto-complainant has filed an affidavit stating that they have entered into a compromise deed dated 27.09.2015 and under the said compromise deed, her husband Earres Udayakumar has paid a sum of Rs.5 lakhs to her by way of Demand Draft towards full and final settlement; that she has no objection in quashing the complaint in C.C.No.279 of 2012 pending on the file of the learned Judicial Magistrate No.II, Pudhucherry.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and in view of the compromise arrived at between the parties, I am of the opinion that the criminal proceedings in C.C.No.279 of 2012 pending on the file of the learned Judicial Magistrate No.II, Pudhucherry, are liable to be quashed and accordingly, the same are quashed.

In fine, the criminal original petition is allowed.
ssv

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Pudhucherry.
2. do thro the Chief Judicial Magistrate,
Puducherry.

3. The Inspector of Police,
Muthiyalpet Police Station,
M.G.Road, Muthiyalpet,
Pudhucherry-605 003.

4. The Public Prosecutor,
Madras High Court, Madras.

skv(co)
prk17/12

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