

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.1686 of 2014
and M.P. Nos.1 & 2 of 2014

1.E.Manjuvani

2.K.Mohan

3.K.Varalakshmi

.. Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by Inspector of Police,
W-16, All Women Police Station,
Pulianthope, Chennai-12.

2.S.Pratibha Bharathi

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to quash the C.C. No.7433 of 2013 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Ms.P.Selvi

For Respondents : Mr.C.Emalias [R1]

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to quash the C.C. No.7433 of 2013 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai.

2. Heard Ms.P.Selvi, learned counsel for the petitioner and Mr.C.Emalias, the learned Additional Public Prosecutor appearing for the first respondent.

3. On a complaint lodged by one Pratibha Bharathi, the respondent Police registered a case in Crime No.7 of 2012 and after conducting the investigation, filed a final report, which has been taken on file as C.C. No.7433 of 2013 for the offences under Section 498(A), 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act, by the learned Chief Metropolitan Magistrate, Egmore, Chennai.

4. During the pendency of the prosecution, it appears that the defacto-complainant and the accused have amicably settled all their issues and they have come forward for quashing the said

prosecution. The defacto-complainant is present before this Court and was identified by Ms.Jayamani, Inspector of Police, W-16 All Women Police Station, Pulianthope, Chennai-12.

5. The defacto-complainant has also filed an affidavit before this Court, wherein in paragraph 3 & 4, she has stated as follows :

"3.The first accused, Sathish Kumar filed a petition for divorce before the Principal Judge, Family Court, Chennai in O.P. No.4312/2012 against me. The case was referred to mediation and in the course of mediation the said Sathish Kumar 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 dated 17.6.2015 and in the petition under Sec.13B of the Hindu Marriage Act for mutual consent divorce that I will file appropriate petitions to withdraw the criminal proceedings initiated by me against the petitioners herein and the first accused, Sathish Kumar.

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 and the first accused. I have no objection in the above CrI.O.P. being allowed and consequently the C.C. No.7433 of 2013 pending on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai, being quashed."

6. Though Sathish Kumar (A1), the husband of the defacto-complainant is not a petitioner in CrI.OP.No.1686 of 2014, this Court is of the view that it will serve the interest of justice, if the entire prosecution is quashed, as the defacto-complainant has herself stated in the affidavit that she has entered into an amicable settlement with her husband and family members.

7. In the result, the prosecution against all the four accused in C.C. No.7433 of 2013, pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, is hereby quashed.

8. In view of the above, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Chief Metropolitan Magistrate, Egmore, Chennai.

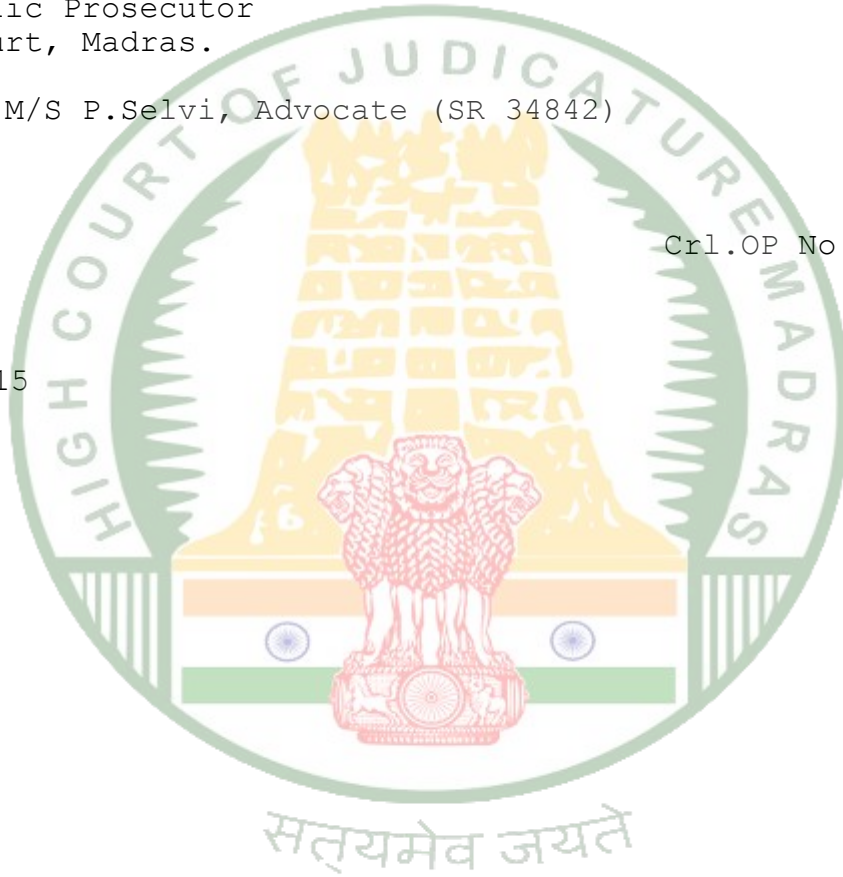
2.The State of Tamil Nadu,
Rep. by Inspector of Police,
W-16, All Women Police Station,
Pulianthope, Chennai-12.

3.The Public Prosecutor
High Court, Madras.

+ 1 cc to M/S P.Selvi, Advocate (SR 34842)

Crl.OP No.1686 of 2014

MP (CO)
YJ 24.07.15



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