

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11023 of 2013 &

Crl.OP No.4300 of 2015

and

MP.Nos.1 to 3 of 2013 and MP.No.1 of 2015

1.Krishnakumari

2.Harsha .. Petitioners in Crl.OP No.11023 of 2013
(Accused 2 & 3)

Roopesh Chandran .. Petitioner in Crl.OP No.4300 of 2015
(Accused 1)

Vs

1.The Inspector of Police
All Women Police Station
W8, Ennore,
Chennai.

2.Jisha B.Guptha Respondents in both Crl.OPs

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C., praying to dispense with personal appearance of the petitioner pending trial in C.C.No.457/2012 on the file of the Judicial Magistrate, Thiruvottiyur (in Crl.OP.No.11023 of 2013), to stay all the further proceedings in C.C.No.457 of 2012 on the file of the Judicial Magistrate, Thiruvottiyur, to call for records in C.C.No.457 of 2012 on the file of the Judicial Magistrate, Thiruvottiyur and quash the same (in both Crl.OPs.)

For Petitioners :Mr.S.Venkatesan (in both Crl.OPs)

For Respondents :Mr.C.Emalias [R1 in both Crl.OPs]
Additional Public Prosecutor

Mr.R.Vivekanandan
[R2 in Crl OP.11023 of 2013]
Mr.N.Sudharsan
[R2 in Crl.OP.4300 of 2015]

COMMON ORDER

These Criminal Petitions have been filed praying to dispense with personal appearance of the petitioner pending trial in C.C.No.457/2012 on the file of the Judicial Magistrate, Thiruvottiyur; to stay all the further proceedings in C.C.No.457 of 2012 on the file of the Judicial Magistrate, Thiruvottiyur and to call for records in C.C.No.457 of 2012 on the file of the Judicial Magistrate, Thiruvottiyur and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and learned counsel appearing for the second respondent.

3. For the sake of convenience, the parties will be referred to by their name.

4. Roopesh Chandran (A1), the petitioner in Crl.OP.No.4300 of 2015 is the son of Krishnakumari (A2), the first petitioner in Crl.OP.No.11023 of 2013 and brother of Harsha (A3), the second petitioner in Crl.OP.No.11023 of 2013.

5. Roopesh Chandran got married to Jisha B.Guptha on 07.02.2010 and their marriage ran into rough weather. On a complaint lodged by Jisha B.Guptha, the respondent-Police registered a case in Crime No.3 of 2011 and after completing investigation, a final report was filed against Roopesh Chandran, Krishnakumari and Harsha for offence under Section 498(A), r/w 34 of IPC and under Section 4 of the Dowry Prohibition Act, before the Judicial Magistrate, Thiruvottiyur and the same was taken on file as C.C.No.457 of 2012. The couple have no children through their wedlock. When the accused filed the aforesaid Crl.OP.No.11023/2013, the matter was referred to Mediation Centre and the parties have entered into an agreement, which is as follows :

"The Petitioner/Accused Mrs.KrishnaKumari and Mr.Harsha and 2nd respondent Ms.Jisha B.Guptha have set their hands to settle their matter before the Mediation with the following conditions :

1. The Petitioner/Accused have agreed to settle the matter for a sum Rs.30,00,000/- (Rupees Thirty lakhs only) as full quit with the 2nd respondent Ms.Jisha B.Guptha.

2. A sum of Rs.5,00,000/- (Rupees Five lakhs only) received by way of Demand Draft bearing No.438227 received on 02.06.2014 payable to Ms.Jisha B.

3. A sum of Rs.10,00,000/- (Rupees Ten lakhs only) by way of Demand Draft bearing Nos.438228

& 438229 each to Ms.Jisha B. at Indian Overseas Bank at Chennai.

4. In respect of other things such as Gold etc., parties have already settled themselves earlier, hence this does not arise.

5. Balance of Rs.15,00,000/- (Rupees Fifteen lakhs only) will be agreed to pay by way of Demand Draft on or before 10th November 2014, the day on which the 13B petition before the 2nd Additional Family Court, Chennai, posted for final hearing."

6. Thereafter the couple have filed a petition for divorce under Section 13B of the Hindu Marriage Act before the II Additional Family Court, Chennai in OP.No.1699 of 2014 and in the said proceedings, they have agreed to have the prosecution in C.C.No.457 of 2012, quashed.

6. In view of the above, relying upon the judgment of Supreme Court in Manohar Singh Vs State of Madhya Pradesh and Another [(2014) 13 SCC 75], the proceedings in C.C.No.457 of 2012 is hereby quashed.

Accordingly, these Criminal Original Petitions stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ds

To

1.The Inspector of Police
All Women Police Station
W8, Ennore, Chennai.

2.The Judicial Magistrate,
Thiruvottiyur

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S.Venkatesan, Advocate, Sr. 25994

Cr1.OP No.11023 of 2013
& Cr1.OP No.4300 of 2015

KGK (CO)

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