

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.5832 of 2015

V.Pradeep

.. Petitioner

Vs

1.State by
The Inspector of Police
W-35, All Women Police Station
Tambaram, Chennai 600 045.

2.M.Anurekha

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in FIR No.44 of 2014 from the file of the first respondent and quash the same.

For Petitioner
For R1

: Mr.R.Manickavel
: Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records in FIR No.44 of 2014 from the file of the first respondent and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The prayer of the petitioner is opposed by the learned Additional Public Prosecutor. The defacto complainant is 31 years old and that she was not a minor when the alleged incident took place.

4. On a complaint lodged by Anurekha, the respondent police registered a case in Cr.No.44 of 2014 on 11.06.2015 under Section 376 IPC against V.Pradeep. The allegation in the FIR is that, the defacto and the accused were in love since 2008 and the accused had physical affair with the defacto complainant on the promise of

marrying her, but thereafter, reneged. Now it appears that the defacto complainant and the accused have married on 23.06.2014 and their marriage has also been registered at the Sub Registrar's Office, Chennai North. The defacto complainant and the accused are present before this Court and they have been identified by K.Padmavathi, HC 16753, W35, All Women Police Station, Tambaram. The defacto complainant and the accused have filed a joint memo of compromise before this Court, wherein it is stated as follows in paragraphs 5 to 9:

"5. It is further submitted that now the petitioner and the defacto complainant are leading a peaceful matrimonial life at No.11, Flat-F3, Chelliamman Koil Cross Street, Manavalan Nagar, Old Perungalathur, Chennai 600 063. Their marriage has been consummated and now the defacto complainant is in the eight month of her pregnancy. Since the day of our marriage both the petitioner and the defacto complainant are leading a happy and peaceful matrimonial life.

6. It is submitted that the pending criminal complaint against the petitioner/husband is a hindrance to their matrimonial life and at the same time pursuing the complaint against the petitioner would be unfair and unjustifiable.

7. It is further submitted that the defacto complainant Anurekha do not have any reason to pursue the complaint against her husband/petitioner, since the disputes between them has been resolved.

8. It is submitted that in the interest of justice it is just necessary to quash the First Information Report in Cr.No.44 of 2014 for u/s 376 of IPC dated 11.06.2014.

9. It is submitted that unless the said First Information Report in Cr.No.44 of 2014 is quashed the same would be a hindrance to the happy matrimonial life between the petitioner and the defacto complainant. Therefore in the interest of justice this Hon'ble Court may be pleased to quash the entire proceedings in Cr.No.44 of 2014 on the file of the Inspector of Police, W-35, All Women Police Station at Tambaram."

In view of the aforesaid development, FIR No.44 of 2014 on the file of the first respondent is quashed and the Criminal Original Petition stands allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gms
To

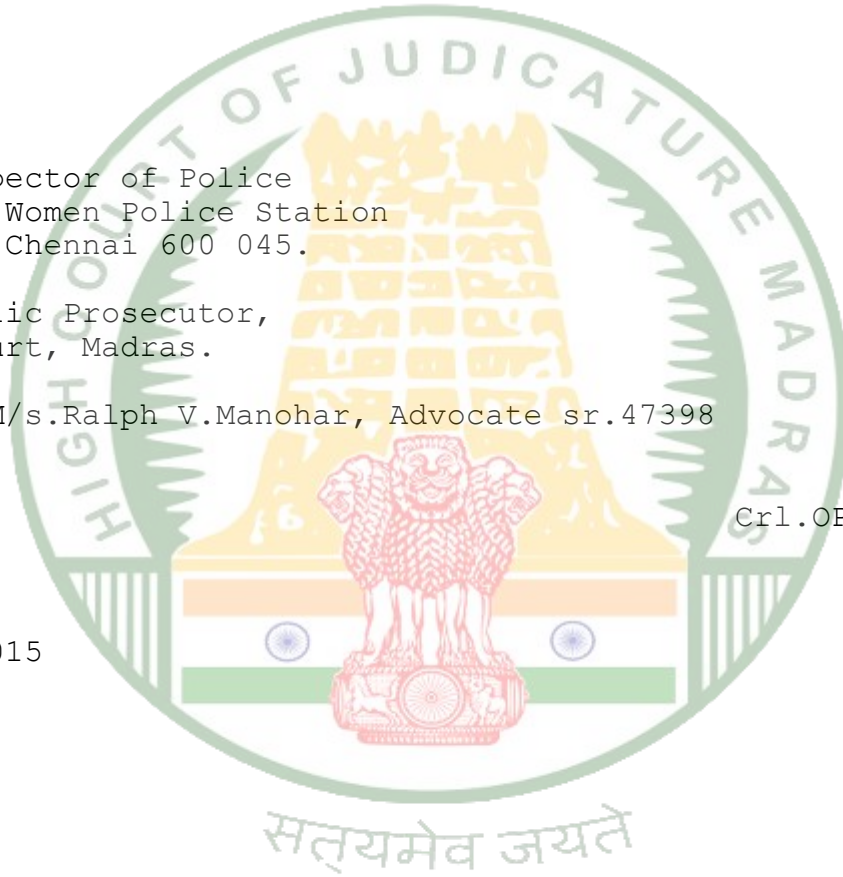
1.The Inspector of Police
W-35, All Women Police Station
Tambaram, Chennai 600 045.

2.The Public Prosecutor,
High Court, Madras.

+2 cc to M/s.Ralph V.Manohar, Advocate sr.47398

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