

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P No.7195 of 2015

Santhanam

...Petitioner/Accused

Vs

State Rep. by

1. The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai.
(Crime No.28/2014)

...1st Respondent/Complainant

2. A.Sabena Parveen

...2nd Respondent/Defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.28 of 2014 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Suresh

For Respondent-1 : Mr.C.Emalias
Additional Public Prosecutor

For Respondent-2 : M/s. A.Raja Rajan

ORDER

Seeking a direction to quash the investigation pending on the file of the 1st respondent herein in Crime No.28 of 2014, the petitioner has come up with this petition.

2. On a complaint lodged by Sabena @ Sabena Parveen, the respondent police registered a case in Crime No.28 of 2014, on 07.03.2014 for the offences under Section 498 (A), 506(ii) of IPC against her husband, who is the petitioner herein. During the pendency of investigation it appears that the parties have arrived at a amicable settlement and they have also obtained a decree of

divorce in H.M.O.P.No.4327 of 2012 on 29.05.2015, before the III Additional Family Court, Chennai. The second respondent is present before this Court and she has been identified by Mrs.V.Mankoil (W.S.-1), Tambaram Police Station.

3.Learned Additional Public Prosecutor on instructions from the respondent police submits that investigation has been completed and the final report has been filed before the learned Judicial Magistrate, Tambaram on 03.07.2015 but, the same has not been taken on file.

4. The defacto complainant has filed an affidavit wherein, in paragraphs 3, 4 and 5 it has been stated as follows:

"1...

2...

3. I submit that on 15.02.2015 the petitioner and I came to settle our dispute amicably and both of us entered into an agreement and thereby I am agreed to give my consent for quashing the case in Crime No.28 of 2014 for the offences under Section 498 (A) and 506(ii) of IPC on the file of the first respondent.

4. I submit that further the petitioner had filed divorce petition before the III Additional Family Court in O.P.No.4327 of 2012 and on 29.05.2015 the same allowed with my consent based on the settlement dated 15.02.2015.

5. I submit that now I am giving my consent to quash the case in Crime No.28 of 2014 for the offences under Section 498(A) and 506(ii) on the file of the 1st respondent.

6. I submit that there is no force or coercion in filing this affidavit before this Hon'ble Court."

5. In view of the above, the proceedings in Crime No.28 of 2014 and the final report that has been filed by the respondent police before the learned Judicial Magistrate No.I, Tambaram is hereby quashed. This Criminal Original Petition is allowed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To,

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

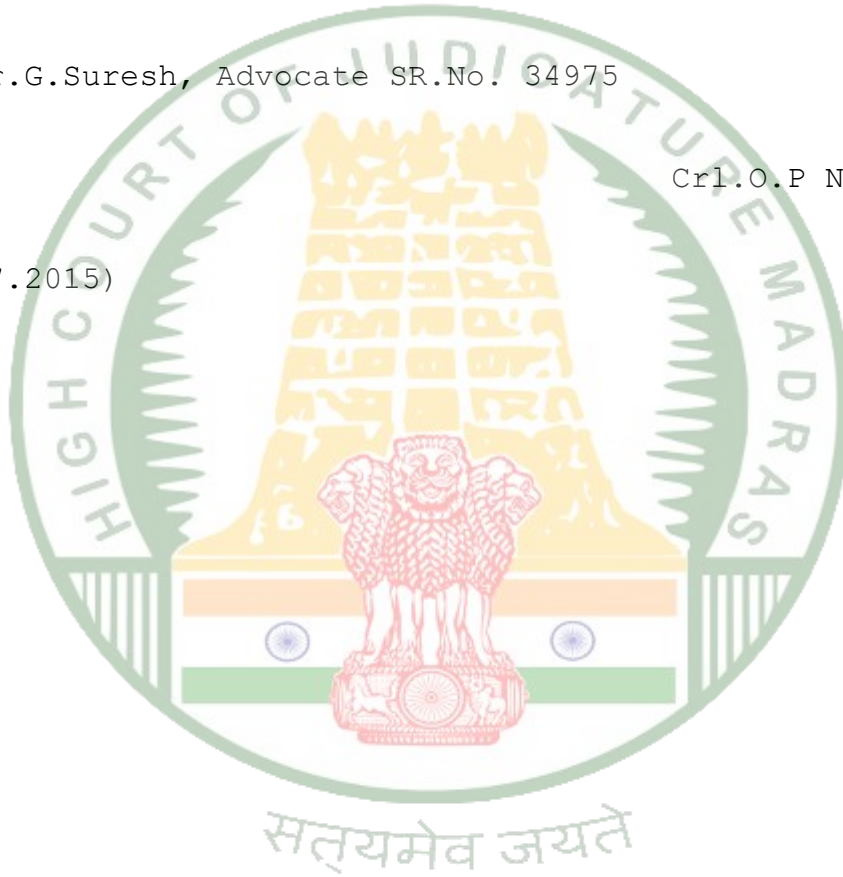
2.The Public Prosecutor,
High Court, Madras.

3.The Judicial Magistrate No.I,
Tambaram.

1 CC to Mr.G.Suresh, Advocate SR.No. 34975

Cr1.O.P No.7195 of 2015

EV (CO)
PSI (23.07.2015)



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