

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.7813 of 2015  
and M.P.No.1 of 2015

1.P.Eswar  
2.M.Periasamy  
3.Mrs.Vasantha  
4.P.Archana ...Petitioners

vs.

1. State by  
Sub-Inspector of Police,  
W1, All Women Police Station,  
St.Thomas Mount,  
Chennai-600 016.  
(Cr.No.6 of 2014)

2. B.Manju ...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the Criminal Proceedings in C.C.No.558 of 2014 on the file of the learned Judicial Magistrate, Alandur, Chennai and quash the same.

For Petitioners : Mrs.P.V.Rajeswari

For Respondents : Mr.Vasan  
for Mrs.Moorthy & Vasan Associates for R2  
Mr.M.Maharaja, Addl.Public Prosecutor for R1

O R D E R

The petitioners are the accused in C.C.No.558 of 2014 on the file of the Judicial Magistrate, Alandur, Chennai and the second respondent is the complainant. On the complaint given by the defacto complainant, the case was registered against the petitioners and charge sheeted for offence under Section 498A IPC.

2. The learned counsel for the petitioners submitted that the matter was settled between the petitioners and the second respondent and a Memorandum of Understanding (MOU) was entered into between the parties on 19.03.2015 and the first petitioner filed H.M.O.P.No.1387 of 2013 on the file of the I Additional Family Court, Chennai for

declaration of their marriage as null and void and the same is pending. She has also submitted that the second respondent also filed a memo stating that she has no objection and given her consent for decree of nullity and the second respondent also agreed to receive Rs.7 lakhs in full quit and received Rs.3 lakhs from the first petitioner and also agreed to withdraw the complaint given by her which led to filing of the charge sheet in C.C.No.558/2014.

3. The second respondent is present before this Court and she is represented and identified by Counsel. The second respondent has also admitted that she entered into a Memorandum of Understanding dated 19.03.2015 and also admitted that she filed a memo in H.M.O.P.No.1387 of 2013 stating no objection and giving consent for grant of decree of nullity and she has also admitted the receipt of Rs.3 lakhs and also return of her jewels.

4. As the defacto complainant has settled the matter between the petitioners and having regard to the offence alleged, this Criminal Original Petition is allowed and the proceedings in C.C.No.558 of 2014 on the file of the Judicial Magistrate, Alandur, Chennai is quashed. Consequently, connected miscellaneous petition is closed.

jvm

-s/d-  
Assistant Registrar( )

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate.  
Alandur.
2. -do- thro Chief Judicial Magistrate,  
Chengalpet.
3. Sub-Inspector of Police,  
W1, All Women Police Station,  
St.Thomas Mount,  
Chennai-600 016.
4. The Public Prosecutor,  
High Court, Madras.

+ 2 ccs to Mrs.P.V.Rajeswari, Advocate SR 17495

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Cr1.O.P.No.7813 of 2015