

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.8097 of 2015

and

M.P.No.1 of 2015

1.M.Sathish Kumar

2.Saraswathi

... Petitioners (Accused)

Vs

1.State rep by
The Inspector of Police
All Women Police Station
Saidapet.

2.N.Devi

... Respondents (Complainant & Defacto
Complainant)

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the charge sheet filed in C.C.No.5871 of 2013 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : Mr.A.R.Sakthivel

For R1 : Mr.C.Emalias,
Additional Public Prosecutor

For R2 : Mr.N.Raja Senthoo Pandian

ORDER

This petition has been filed to call for the records and quash the charge sheet filed in C.C.No.5871 of 2013 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai.

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

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

4. N.Devi [defacto complainant] and Sathish Kumar [A1] got married on 02.11.2011 and their marriage ran into rough weather and they got estranged. They have no issues through the wedlock. On the complaint lodged by N.Devi [defacto complainant], respondent police registered a case in Cr.No.4 of 2012 and after completing the investigation, filed a Final Report in C.C.No.5871 of 2013 against Sathish Kumar [A1] and his mother Saraswathi [A2] for offences under Sections 498(A), 506(ii) r/w Section 34 IPC and Section 4 of Dowry Prohibition Act, challenging which Sathish Kumar [A1] and Saraswathi [A2] are before this Court for quashing prosecution on the ground that, the parties have amicably settled all their disputes.

5. Today both Sathish Kumar [A1] and N.Devi [defacto complainant] are present before this Court. Sathish Kumar [A1] has filed an affidavit withdrawing the allegations made by him against N.Devi [defacto complainant] in the quash application. N.Devi [defacto complainant] has filed an affidavit, wherein it is stated as follows:

"5. I submit that several efforts were made by both of our family elders and common friends to resolve the disputes between us but everything proved futile. I further submit that finally me and the 1st petitioner/1st accused came to a conclusion so as to part ways through amicable settlement. I further submit that the first petitioner/first accused have also decided to amicably resolve the above said Divorce case and to settle the subject matter of the case in C.C.No.5871 of 2013 in Cr.No.4/2012 amicably.

6.

7. I submit that as per the Memorandum of Understanding dated 08.04.2015 between myself and the first petitioner, both of us filed petition for divorce by mutual consent in HMOP No.1321 of 2015 before the Hon'ble II Addl. Family Court, Chennai.

8. I submit that since all my issues with the petitioners/accused were settled amicably out of the Court I have no objections whatsoever to quash the criminal

case in C.C.No.5871 of 2013 in Cr.No.4 of 2012 pending on the file of the learned IV Metropolitan Magistrate Court, Saidapet, Chennai."

In view of the above, this petition is allowed and the proceedings in C.C.No.5871 of 2013 in Cr.No.4 of 2012 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The IV Metropolitan Magistrate,
Saidapet, Chennai
- 2.-do- Through The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Inspector of Police
All Women Police Station
Saidapet.
- 4.The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.A.R.Sakthivel, Advocate, S.R.No.56229

+2cc's to Mr.N.Raja Senthoo Pandian, Advocate, S.R.No.55845

Cr1.OP No.8097 of 2015

KSJ(CO)
CA(28/10/2015)

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