

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21630 of 2013

and

M.P.Nos.1 and 2 of 2013

1.Chinnappa

2.Adhilakshmi

3.Rathinam @ Munirathinam

4.Lakshmi

...Petitioners/Accused 2 to 5

Vs

State by:

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

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.373 of 2011 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Ms.R.Aparna

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

Heard Ms.R.Aparna, learned counsel for the petitioners and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondent.

2. This petition has been filed by the accused to quash the proceedings in C.C.No.373 of 2011 pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

3. It appears that Faristha Glory [defacto complainant] got married to one M.Dhananjaya @ David/1st accused on 27.03.2008 and their matrimonial life ran into rough weather and they got

estranged. Thereafter, Faristha Glory lodged a complaint before the respondent police, based on which, a case in Crime No.5 of 2010 for offences under Section 498[A], 406 [ii] IPC, 4 and 6 of DP Act was registered against Dhananjaya and the petitioners herein.

4. After completing the investigation, the respondent police filed a final report and it was taken on file as C.C.No.373 of 2011 by the Chief Metropolitan Magistrate, Egmore, Chennai, which is sought to be quashed in this petition on the ground that both the parties arrived at settlement. The matter was referred to the Mediation Centre and before the Mediation Centre, the parties appeared to have arrived at settlement. The terms of settlement are as follows:

"1. Both parties exchanged the jewels before the Mediation Centre.

2. M.Dhananjaya @ David Dhananjaya/Husband and Faristha Glory/Defacto Complainant/Wife filed mutual consent petition for divorce today i.e., 15.10.2014 in OP.SR.No.10897/2014 before the Family Court, Chennai, for divorce under mutual consent.

3. M.Dhananjaya @ David Dhananjaya/Husband agreed to pay total sum of Rs.5,00,000/- [Rupees five lakhs only] towards permanent maintenance to his minor daughter M.Susanna aged about 5 years. Accordingly, today i.e., 15.10.2014 M.Dhananjaya @ David Dhananjaya/Husband has paid a sum of Rs.2,50,000/- [Rupees two lakhs fifty thousand only] by way of cash and the balance sum of Rs.2,50,000/- will be paid at the time of recording evidence in OP.SR.No.10897/2014 before the Family Court, Chennai.

4. Both the parties agreed to withdraw the following cases filed against each other:

i. C.C.No.373/2011 on the file of C.M.M. Court, Egmore, Chennai.

ii. M.C.No.503/2011 on the file of Additional Family Court, Chennai.

iii. C.C.No.92/2012 pending before J.M.Court, Puttur, Chittoor District, Andhra Pradesh.

5. Faristha Glory/Defacto Complainant/Wife agreed to give her consent to quash the complaint in Crl.O.P.No.21360/2013 on the file of the Hon'ble High Court, Chennai."

5. The said Dhananjaya is not the petitioner before this Court. The petitioners herein are parents, sister and brother of Dhananjaya. In view of the settlement arrived at above, both

Dhananjaya and Faristha Glory are present today. Ms.Usha, Head Constable 16803, present and she identified the parties in the open Court. This Court enquired the defacto complainant/Faristha Glory and she stated that she has no objection in prosecution being quashed against the petitioners.

6. In view of the above, this Criminal Original petition is allowed and the proceedings in C.C.No.373 of 2011 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai as against the petitioners herein is quashed. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W-1 All Women Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Chief Metropolitan Magistrate,
Egmore, Chennai - 8.

1 CC to K.Jamuna, Advocate SR.No. 22706

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KGK (CO)

PSI (18.05.2015)

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