

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.8441 of 2015

Dr.K.P.Sumathi
W/o.Muthukumar

...Petitioner/Defacto
Complainant.

vs.

1. The State Rep. by
The All Women Police Station,
Dharmapuri,
Dharmapuri District.

2. Muthukumar (A1)

3. Yasodha (A2)

4. Shivakumar (A3)

5. Shivashanmugam (A4)

6. Palani @ Mark (A5)

...Respondents/Accused

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.184 of 2005 on the file of the Judicial Magistrate II, Dharmapuri, and quash the same.

For Petitioner : Mr.K.U.Sale Murugan

For Respondent: Mr.C.Emalias
Additional Public Prosecutor [for R1]

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O R D E R

This Criminal Original Petition has been filed praying to call for the records in C.C.No.184 of 2005 on the file of the Judicial Magistrate II, Dharmapuri and to quash the same.

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

3. It is seen that Dr.K.P.Sumathi (defacto complainant/petitioner) got married to Muthukumar(A1) on 26.06.1998 and they had some matrimonial problems. On a complaint given by Dr.K.P.Sumathi, the first respondent registered a case in Crime No.14 of 2005 for offence under Sections 498A, 506 (ii) r/w Section 3 and 4 of Dowry Prohibition Act, against Muthukumar and his mother Yasodha.

4.After completing the investigation, the respondent Police filed a final report in C.C.No.184 of 2005 before the learned Judicial Magistrate II, Dharmapuri, against the four persons for offence under Section 498A, 506 (ii) of Dowry Prohibition Act. Now, it appears that the parties have arrived at a compromise and this petition has been filed by the defacto-complainant herself, for quashing the prosecution. The petitioner and the second respondent have filed a Memorandum of Understanding entered into between them on 20.12.2013, with their photos affixed thereon. They are also present before this Court.

5. This Court enquired the defacto-complainant and she stated that she had joined with her husband Muthukumar. Under such circumstances, relying upon the judgment of the Hon'ble Supreme Court in B.S.Joshi and others Vs. State of Haryana and another, AIR 2003 Supreme Court 1386[1], the prosecution in C.C.No.184 of 2005 pending on the file of learned Judicial Magistrate II, Dharmapuri has to be quashed.

6. With the above observation, this Criminal Original Petition stands allowed.

mps/ds

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.
2. The Judicial Magistrate II,
Dharmapuri.
3. -do- thro' The Chief Judicial Magistrate,
Dharmapuri.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.U.Sale Murugan, Advocate SR 24528

tej(co)
prk25/5

Crl.O.P.No.8441 of 2015



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