

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8632 of 2015

1. S.R.Krishna @ Joshua
2. Sophiya @ Shobha
3. Samuel Robert @ S.Ramalingam
4. Karen @ Revathy

.. Petitioners

Vs

1. The State rep.by
Inspector of Police,
W.32, All Women Police Station
Madipakkam, Chennai
2. I.Annie Lavanya

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the FIR in Cr.No.23 of 2013 on the file of the 1st Respondent and pass such other orders as this Hon`ble Court may deem fit and proper.

For Petitioners :Mr.J.Saravana Vel

For Respondents :Mr.C.Emalias,

Additional Public Prosecutor for R1
Mr.V.Vargees Amal Raja for R2

ORDER

This petition has been filed to quash the case in Crime No.23 of 2013 on the file of the Inspector of Police, W.32, All Women Police Station, Madipakkam, Chennai. The defacto complainant in this case is one Annie Lavanya, who got married to S.R.Krishna, the first petitioner herein on 16.2.2011 and thereafter their marriage ran in rough weather. The couple got estranged and the defacto complainant lodged the present complaint against her husband and in-laws, based on which the respondent police registered a case in Crime No.23/2013 for offences under sections 406, 498(A) and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2. This petition is being now filed to quash the said FIR on the ground that the defacto complainant and the accused have entered into a compromise and they amicably settled all issues.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondent police and the learned counsel for the defacto complainant.

4. The defacto complainant is present before this Court and she has filed an affidavit, wherein in paragraph No.2, it is stated as follows:

"2. I state that presently myself and the 1st petitioner have entered into a settlement on 30.03.2015 and we have settled the matrimonial disputes among us amicably in terms of the said compromise. In view of the compromise entered into by us, I am withdrawing the allegations made in the complaint and I am willing for an amicable settlement of the problem. as the disputes arise out of matrimonial discord, I have not objection for the quashing of the Cr.No.23 of 2013 pending on the file of 1st respondent in view of the settlement arrived at between the parties. I have received settlement amoung of Rs.5,00,000/- (Rupees Five Lakhs only) towards full and final settlement as per the MOU dated 30.03.2015 vide D.D.No.688073 dated 25.03.2015 drawn on Indian Bank, Tharamani Link Road Branch. I have no claim whatsoever as against the petitioners herein."

5. The defacto complainant is identified by Mr.V.Vargees Amal Raja, whose Enrolment No.530/2010 and when this Court questioned her to find out whether she has come forward voluntarily to file the affidavit, the defacto complainant stated that she has settled all the issues with her husband and in-laws and also stated that she has no objection in the FIR being quashed.

6. Relying upon the judgment of the Supreme Court in Jitendra Raghuvanshi vs. Babita Raghuvanshi, (2013 (4) SCC 58), the proceedings initiated against the petitioners in Cr.No.23 of 2013 on the file of the first respondent are quashed.

7. This Criminal Original Petition is allowed.

s/d-
Assistant Registrar(V)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
W.32, All Women Police Station
Madipakkam, Chennai

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.J.Saranavel, Advocate SR 18972

+ 1 cc to M/s.V.Vargees Amal Raja Advocae SR 19057

mp(co)
prk17/4

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