

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.23974 of 2012
and M.P.Nos.1 and 2 of 2012

1.T.H.Haleema Begam

2.K.Samiya

.. Petitioners/Accused

Vs

State rep by

1.The Inspector of Police
Tiruppathur Town Police Station
Tiruppathur
(Crime No.1320 of 2011)

2.Thasin Taj

.. 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 pending trial in C.C.No.119 of 2012 on the file of Judicial Magistrate No.I, Thirupathur as an abuse of process of law.

For Petitioner :Mr.C.V.Kumar

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

For R2 : Mr.G.Jeremiah

ORDER

This petition has been filed to call for the records and quash the charge sheet pending trial in C.C.No.119 of 2012 on the file of Judicial Magistrate No.I, Thirupathur as an abuse of process of law.

2. On a complaint lodged by Thasin Taj, the respondent police registered a case in Cr.No.1320 of 2011 on 23.11.2011 and after completing the investigation, filed a Final Report in C.C.No.119 of 2012 before the learned Judicial Magistrate-1, Thirupathur, Vellore for offences under Sections 323 and 506(ii) IPC against the petitioners/accused herein.

3. The crux of the allegation in the Final Report is that, the defacto complainant was a student studying in the School in which

the petitioners/accused were working as Headmistress and Teacher respectively. That when the defacto complainant was asked to pay exam fees of Rs.150/-, she brought only Rs.120/- which the accused refused to receive and they asked her to go out of the class and it is alleged that T.H.Haleema Begam [A1] pushed her out of the class. In that incident, it is stated that the defacto complainant suffered some injuries, for which the aforesaid complaint was filed and Final Report filed against the petitioners.

4. This quash petition has been filed to quash the prosecution on the ground that, the matter has been amicably settled between the parties. Thasin Taj, the defacto complainant is present and she has filed an affidavit, wherein she has stated as follows:

"5. I state that in the interest of my studied and also family circumstances I have decided to compromise the above matter with the accused and I have taken the above decision on my own will and wish and there is no coercion from anybody and the matter has been amicably settled between myself and the accused and hence I do not want to proceed further in the above case."

In view of the above, this petition is allowed and the entire prosecution in C.C.No.119 of 2012 against the petitioners/accused is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gms

To

1. Judicial Magistrate No.I,
Thirupathur

2. -do-thro' The Chief Judicial Magistrate, Vellore.

3.The Inspector of Police
Tiruppathur Town Police Station
Tiruppathur

4.The Public Prosecutor,
High Court, Madras.

+5 ccs to M/s.C.V.Kumar, Advocate, sr.45536