

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.Nos.14338 of 2012 and 19524 of 2015  
and M.P.Nos.1 and 2 of 2014 &  
M.P.No.1 of 2015

1.Appasamy  
2.Deivanai  
3.Vanitha  
4.Pargunan  
5.Venkatesan

.. Petitioners in Crl.OP.14338/2012

Kumaresan

.. Petitioner in Crl.OP.19524/2015

Vs

1.The Inspector of Police  
W-17, All Women Police Station  
Sembiam Range, Peravallur  
Chennai 600 082.

2.Priyadharshini

.. Respondents in both Crl.OPs

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C.,  
to call for the records in C.C.No.744 of 2012 on the file of V  
Metropolitan Magistrate, Egmore, Chennai dated 23.02.2012 and quash  
the same.

For Petitioners : Mr.S.Y.Masood

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

For R2 : Mr.R.Kishore Kumar

COMMON ORDER

These petitions have been filed to call for the records in  
C.C.No.744 of 2012 on the file of V Metropolitan Magistrate, Egmore,  
Chennai dated 23.02.2012 and quash the same.

2. On a complaint lodged by Priyadharshini [defacto complainant],  
the respondent police registered a case in Cr.No.9 of 2011 on  
29.07.2011 under Sections 498A, 406, 313 and 384 IPC and after

completing the investigation, filed a Final Report in C.C.No.744 of 2012 before the learned V Metropolitan Magistrate, Egmore, Chennai for the said offences, challenging which the petitioners/accused are before this Court on the ground that, the matter has been amicably settled with the defacto complainant.

3. Today, Priyadharshini [defacto complainant] and Ms.G.Sasikala, WHC 18821,W-17 All Women Police Station, Peravallur are present before this Court. Priyadharshini [defacto complainant] has filed an affidavit, wherein she has stated as follows:

"1. I am the deponent/defacto complainant herein and as such I am well acquainted with the facts of the case.

2. I preferred a complaint in Crime No.9/2011 before the above respondent police station against my husband and others. The Police laid charge sheet in C.C.No.744/2012 before V M.M.Egmore, Chennai. Due to A-1 abscondence, (A-1 Kumaresan) case was splitted into C.C.No.8784 of 2014 before V M.M.Chennai.

3. Now there are two quash petitions in CrI.O.P.No.14338/2012 against C.C.No.744/2012 and CrI.O.P.No.19524/2015 against C.C.No.8784/2014 are pending. In view of compromise aroused out of Court, I acknowledge an amount of Rs.17,40,000/- by two drafts [No.118338 dated 31.07.2015, for an amount of Rs.10,00,000/- drawn on KVB and No.675618 dated 24.07.2015 for an amount of Rs.7,40,000/- drawn on Indian Bank] and agreed to withdraw the criminal complaint. I further state that I have no objection to quash the proceedings in CrI.O.P.No.14338/2012 and CrI.O.P.No.19524/2015 pending on the file of this Hon'ble Court."

4. Learned Additional Public Prosecutor, on instructions from the respondent police submitted that Kumaresan [A1] did not appear before the V Metropolitan Magistrate, Egmore, in C.C.No.744 of 2012 and therefore, the case against him was split up and numbered as C.C.No.8784 of 2014.

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5. In view of the above, these petitions are allowed and the prosecution in C.C.No.8784 of 2014 and C.C.No.744 of 2012 in Cr.No.9 of 2011 pending on the file of the V Metropolitan Magistrate, Egmore, Chennai are hereby quashed against all the accused. Consequently, connected miscellaneous petitions are closed.

gms

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Inspector of Police  
W-17, All Women Police Station  
Sembiam Range, Peravallur  
Chennai 600 082.
  - 2.V Metropolitan Magistrate,  
Egmore, Chennai
  - 3.The Public Prosecutor  
High Court, Madras.
- + 2 ccs to Mr.S.Y.Masood, Advocate SR 40465

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prk25/8

CrI.OP.Nos.14338 of 2012  
and 19524 of 2015

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