

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.Nos.14943 and 19314 of 2013

and M.P.Nos.1 to 3 of 2013

1. P.Rajasekar ...Petitioner in Crl.O.P.No.19314 of 2013
2.T.J.Prabhakaran
3.Mrs.Nalini Prabhakaran
4.P.Mahalakshmi
5.P.Durairaj ...Petitioners in Crl.O.P.No.14943 of 2013

vs.

The State,
Rep. By Inspector of Police,
W-17, All Women Police Station,
Peravallur,
Chennai-600 084.

...Respondent in Crl.O.P.No.19314 of 2013
and Respondent No.1
in Crl.O.P.No.14943 of 2013

V.P.Vijayalakshmi .. 2nd respondent in Crl.O.P.No.14943 of 2013

Prayer in Crl.O.P.No.14943 of 2013: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to quash the charge sheet dated 19.04.2011 in C.C.No.4848 of 2012 on the file of V Metropolitan Magistrate, Egmore, Chennai under Sections 498(A), 406 and 506(i) IPC.

Prayer in Crl.O.P.No.19314 of 2013: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to quash the proceedings in C.C.No.4848 of 2012, pending before the V Metropolitan Magistrate Court, Egmore, Chennai-8 with respect to the petitioner/accused No.1.

For Petitioners : M/s.Auxilia Peter

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor for State
Mr.R.Damodaran
for R2 in Crl.O.P.No.14943 of 2013

C O M M O N O R D E R

These petitions are filed to quash the proceedings in C.C.No.4848 of 2012, on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the petitioners submitted that the petitioner in CrI.O.P.No.19314/2013 is the husband and the petitioners in CrI.O.P.No.14943/2013 are the in-laws of the defacto complainant and they entered into a Memorandum of Understanding dated 04.08.2014 with the defacto complainant and the defacto complainant agreed not to pursue the complaint given by her in Crime No.4/2011, which culminated into C.C.No.4848 of 2012 on the file of the V Metropolitan Magistrate, Egmore, Chennai and therefore, the same may be quashed.

3. The defacto complainant is present before this Court and she is represented by her counsel Mr.R.Damodaran. The defacto complainant admitted that she entered into a Memorandum of Understanding with her husband, namely the petitioner in CrI.O.P.No.19314/2013 and she also agreed that having regard to the Memorandum of Understanding entered into, she has no objection in quashing the proceedings in C.C.No.4848 of 2012.

4. It is seen from the charge sheet in C.C.No.4848 of 2012 that on the complaint given by the defaco complainant, a case was registered against the petitioners for the offences under Sections 498(A), 406 and 506(i) IPC. It is submitted by the learned counsel for the defacto complainant that marriage between the defacto complainant and the petitioner in CrI.O.P.No.19314/2013 was dissolved by mutual consent in ***F.C.O.P.No.3037/2014** on the file of the First Additional Family Court, Chennai on 07.02.2014 and the defacto complainant has received back all her articles.

5. Considering that the defacto complainant has entered into a Memorandum of Understanding with the petitioner in CrI.O.P.No.19314/2013 and the marriage between them was also dissolved by a decree of divorce and the defacto complainant has also received all the articles and also agreed not to proceed further with the case in C.C.No.4848 of 2012, these Criminal Original Petitions

are allowed and the proceedings in C.C.No.4848 of 2012 on the file of the V Metropolitan Magistrate, Egmore, Chennai is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (Judicial)
12.03.2015

*Corrected as per latter dated
07.04.2015 given by Auxilia Peter
Counsel for the petitioner.

Sd/-
Assistant Registrar
21.4.2015

/true copy/

Sub Asst. Registrar

jvm

To

1.The Inspector of Police,
W-17, All Women Police Station,
Peravallur, Chennai-600 084.

2.The Public Prosecutor,
High Court, Madras.

3. The V Metropolitan Magistrate
Egmore, Chennai-8

4 ccs to Mrs. Auxila Peter, Advocate, sr. 11806

To be substituted to the
Order already despatched
on 1.4.2015.

Cr1.O.P.Nos.14943 and 19314 of 2013

RSI (CO)
kk 17/3

pmk.22.4.2015

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