

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.29038 of 2013
and M.P.No.1 of 2013

1.Thangarasu
2.Revathi
3.Bhuvaneswari
4.Jagadish

... Petitioners

Vs

State by
1.The Inspector of Police,
All Women Police Station,
Bhavani,
Erode District.

2.Premalatha ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records in CC.No.233 of 2013 on the file of the learned Judicial Magistrate, Bhavani, Erode District and to quash the same.

For Petitioners :Mr.C.Prakasam

For Respondents :Mr.C.Emalias
Additional Public Prosecutor for R1
Mr.K.V.Muthuvisakan for R2

ORDER

This petition has been filed to quash the proceedings in CC.No.233 of 2013 on the file of the learned Judicial Magistrate, Bhavani, Erode District.

2.Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the 1st respondent and the learned counsel for the 2nd respondent and perused the materials placed on record.

3.On 29.06.2015, this Court has passed the following orders:

"On a complaint lodged by Premalatha, the respondent police registered a case in Crime No.4 of 2013 for offences under Section 498A, 406 IPC read with Section 4 of the TNPHW Act against the

petitioners herein. After completing the investigation, the respondent police have filed a Final Report in C.C.No.233 of 2013 before the learned Judicial Magistrate, Bhavani, Erode District.

2.One Mr.M.Madhaiyan filed Crl.OP.No.22824 of 2013 for a direction to the respondent police to register an FIR on the basis of the complaint dated 08.07.2013 lodged by him. This Court referred Crl.OP.No.22824 of 2013 to the Tamil Nadu Mediation and Conciliation Centre. It appears that the parties have arrived at a compromise before the Mediation Centre and reported to his Court on 23.04.2015.

3.Today, Premalatha the defacto complainant is present and she has filed a consent affidavit, wherein in paragraph No.3 to 5, it is stated as follows:

"3.I submit that after the meditation and negotiation on 16.12.2014 we had entered a Memorandum of Understanding and decided to settle all the issues amicable.

4.I submit that as per the Memorandum of Understanding, I and Mr.Jayaramakrishnan had filed a consent divorce petition vide OP.No.4825 of 2014 before the Hon'ble Principal Family Court at Chennai the same is posted on 16.07.2015 for recording evidence.

5.I submit that Mr.Jayaramakrishnan had agreed to return a sum of Rs.4,00,000/- [Rupees four lakhs] which was given by my father at the time of marriage to him. Further he agreed to pay Rs.10,00,000/- [Rupees ten lakhs] as one time maintenance. In total he agreed to pay a sum of Rs.14,00,000/- [Rupees fourteen lakhs] on the date of divorce petition order.

Therefore, I humbly submit that based on the Memorandum of Understanding, I have No objection to quash the C.C.No.233 of 2013 on the file of Judicial Magistrate, Bhavani, Erode District and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

Ms.S.Ruby, Inspector of Police, All Women Police Station, Bhavani, Erode District, is present and she has identified the party.

4.It is represented that Jayaramakrishnan/Al who is the husband of Premalatha has to appear before the Principal Judge, Family Court, Chennai, in connection with the divorce proceedings in OP.No.4825 of 2014 for the purpose of dissolving the marriage by mutual consent.

5.Mr.C.Prakasam, learned counsel appearing for the accused submitted that Jayaramakrishnan is

abroad and he is likely to come on 16.07.2015 and that, he will appear before the Family Court on 16.07.2015.

6.Recording the same, post 'for orders' on 21.07.2015. The presence of the defacto complainant is dispensed with on 21.07.2015 before this Court. "

4.It is represented by the learned counsel on either side that Mr.Jayaramakrishnan has appeared before the Family Court and given evidence on 16.07.2015 and the case is posted for orders.

5.Today, the petitioners herein have tendered Demand Drafts to Ms.P.Premalatha in the open Court and the same has been accepted by her. The details of Demand Drafts are as follows:

"1.Demand Draft No.002986, dated 11.07.2015, drawn on Axis Bank Ltd, for Rs.4,00,000/- in favour of P.Premalatha.

2.Demand Draft No.347936, dated 13.07.2015, drawn on Lakshmi Vilas Bank, for Rs.5,00,000/- in favour of P.Premalatha.

3.Demand Draft No.347938, dated 13.07.2015, drawn on Lakshmi Vilas Bank, for Rs.5,00,000/- in favour of P.Premalatha."

6.In view of the above, the prosecution in CC.No.233 of 2013 pending on the file of the learned Judicial Magistrate, Bhavani, Erode District, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Judicial Magistrate,
Bhavani,
Erode District.

2.The Inspector of Police,
All Women Police Station,
Bhavani,
Erode District.

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3.The Public Prosecutor,
High Court,
Chennai.

1 cc to Mr.C. Prakasam, Advocate, Sr. 37264

1 cc to Mr.K.V. Muthuvisakan, Advocate, Sr. 36928

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and M.P.No.1 of 2013

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