



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Criminal Original Petition (MD) No.21341 of 2014
and
M.P.(MD).Nos.1 and 2 of 2014

1. Reji
2. Prabhu
3. Saroja
4. Rathika ... Petitioners/Accused 1 to 4

Vs.

1. The state represented by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

2. Sheeba ... Respondents/Complainant
De facto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.178 of 2014 on the file of learned Judicial Magistrate No.III, Nagercoil and quash the same.

For Petitioners : Mr.K.P.Narayanakumar
For R1 : Mr.K.Anbarasan
Govt. Advocate (Crl.side)
For R2 : Mr.Nirmal

O R D E R

This Criminal Original Petition is filed to call for the records relating to the proceedings in C.C.No.178 of 2014 on the file of learned Judicial Magistrate No.III, Nagercoil and quash the same.



2. The petitioners are the accused Nos.1 to 4 for the alleged offences under Sections 341, 323 and 506(ii) of I.P.C., in C.C.No.178 of 2014 on the file of the learned Judicial Magistrate No.III, Nagercoil. The second respondent / de-facto complainant is the wife of the first petitioner and on her complaint, a case has been registered for the alleged offences under Sections 341, 323 and 506(ii) of I.P.C., which has been taken on file in C.C.No.178 of 2014 on the file of learned Judicial Magistrate No.III, Nagercoil.

3. It appears that the matter is already referred to the Mediation Centre. As per the Mediation report dated 26.06.2015, the parties agreed as under:

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The first petitioner A.S.Reji, gave a sum of Rs.4,25,000/- (Rupees Four lakhs twenty five thousand only) to his wife de-facto complainant Sheeba as a one time settlement and the amount was received by the de-facto complainant/Sheeba in front of the Mediator, her mother and also in front of their respective counsels.

2. The H.M.O.P.No.29 of 2015 filed by the first respondent Reji and second respondent Sheeba, before first Additional Sub Court, Nagercoil, under Mutual Consent will be proceeded enabling them obtaining divorce decree under Mutual Consent.

3. The second respondent / Sheeba is having no objection to quash the C.C.No.178 of 2014 pending before Judicial Magistrate No.III, Nagercoil which is impugned in the present quash petition, (Crl.O.P.(MD).No.21341 of 2014) first petitioner Reji received the Tahali Chain weight about 5 sovereigns and also bracelet weight about 4 grams in front of the mediator and respective counsel of parties. "

4. In view of the same and after going through the records, this Court is of the view that there is no useful purpose will be served in continuing the proceedings. Hence, the Criminal Original Petition is allowed and the case in C.C.No.178 of 2014 on the file of



3

the learned Judicial Magistrate No.III, Nagercoil is hereby quashed.

akv

Sd/-
Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate-III, Nagercoil
 2. The Inspector of Police, Suchindram Police Station, Kanyakumari District.
 3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 1CC to M/s.K.P.Narayanakumar, Advocate, SR.No.40811

Cr1.O.P(MD) .No.21341 of 2014

3P/5C
AM/GSV.PM/SAR-II/20.08.2015.