



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P (MD) No.8266 of 2015

WEB COPY

1.Kadher

2.Kabeer Fathima

...Petitioners/Accused 1 & 3

Vs.

1.The State Rep. By

The Inspector of Police,
Thermal Nagar Police Station,
I/C. All Women Police Station,
Tuticorin.

(Crime No.3 of 2013)

... 1st Respondent/Complainant

2.S.Thameema Banu

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1908 praying to call for records in charge sheet in C.C.No.160 of 2014 on the file of the Judicial Magistrate No.I, Tuticorin and quash the same and pass such further or other orders.

For Petitioners : Mr.R.Balakrishnan

For R - 1 : Mr.K.Anbarasan

Government Advocate (Crl. Side)

For R - 2 : Mr.R.Manimaran

ORDER

This Criminal Original Petition has been filed praying to call for records in C.C.No.160 of 2014 on the file of the Judicial Magistrate No.I, Tuticorin and quash the same.

2. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. When the matter is taken up for hearing, affidavit and compromise memo have been filed. The compromise memo has been signed by both parties and affidavit has been signed by respondent No.2 and the parties are also present.

4. It appears that both the first petitioner and second respondent have got married each other. The affidavit of the respondent No.2, wherein in paragraph Nos.2 to 4 it is stated as follows:-

"2. I humbly submit that I initiated the criminal proceedings in Crime No.3 of 2013 on the file of the first respondent herein against the petitioners herein due to different opinion of us. The first respondent herein had also filed a charge sheet before the Judicial Magistrate Court No.1, Tuticorin in C.C.No.160 of 2014.

3. I humbly submit that now marriage between myself and first petitioner solemnized before the elders and relatives of our family. Now we are living together happily. Hence, I



withdraw the entire allegations made against the accused in Crime No.3 of 2013 on the file of the first respondent and I affirm that the allegations made against the petitioners are due to emotional. Further, we compromised ourselves and settled the matter amicably.

4. I humbly submit that I do not want to proceed the case in C.C.No.160 of 2014 pending before the Judicial Magistrate No.I, Tuticorin. Therefore, I have no objection in quashing the charge sheet filed in C.C.No.160 of 2014 on the file of the Judicial Magistrate No.I, Tuticorin."

5. Considering the said averments and also going through the records, this Court is of the view that it is a fit case to quash the proceedings in C.C.No.160 of 2014.

6. Accordingly, this Criminal Original Petition is allowed and the proceeding in C.C.No.160 of 2014 on the file of the Judicial Magistrate No.I, Tuticorin is quashed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Tuticorin.

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

3.The Inspector of Police,
Thermal Nagar Police Station,
I/C. All Women Police Station,
Tuticorin.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.r.Balakrishnan, Advocate in SR.23813

CRL.O.P (MD) No.8266 of 2015
29.04.2015

ps

PBK/PAV 11/05/2015 ::2P-6C: