

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.14671 of 2016

1 A. Jayaprakash
2 Venda
3 Kumudha
4 Hemalatha Petitioners
vs.

1 The Inspector of Police
All Women Police Station
Kancheepuram
(Crime No.11 of 2014)
2 K. Karpagam Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to C.C. No.116 of 2015 on the file of the Judicial Magistrate Court No.1, Kancheepuram concerned in Crime No.11 of 2014 on the file of the Inspector of Police, All Women Police Station, Kancheepuram and quash the same insofar as this petitioner is concerned.

For petitioners Mr. S. Srinivasa Narayanan

For R1 Mr. C. Emalias
Additional Public Prosecutor

For R2 Mr. M. Silambuoli

ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C. No.116 of 2015 on the file of the Judicial Magistrate Court No.1, Kancheepuram and quash the same.

2 Heard the learned counsel for the petitioners, learned Additional Public Prosecutor appearing for the first respondent State and the learned counsel for the second respondent.

3. On the complaint given by the second respondent, viz., Karpagam, the first respondent police registered a case in Crime No.11 of 2014 and after completing the investigation, have filed a final report in C.C. No.116 of 2015 before the Judicial Magistrate Court No.1, Kancheepuram

for offences under Section 498-A, 420, 506(I) IPC and Section 4 of the Dowry Prohibition Act, challenging which, the petitioners/accused are before this Court for quashing the same on the ground that the parties have arrived at a compromise.

4 Today, Karpagam, the de facto complainant, is present before this Court and she is identified by Ms. P. Kasthuri, Sub Inspector of Police, All Women Police Station, Kancheepuram, who is also present before this Court.

5 Karpagam has filed an affidavit, wherein, it has been stated as follows:

"3 I further submit that I have filed petition in O.P. No.415 of 2014 for the relief of Dissolution of my marriage between the first petitioner which took place on 27.01.2013, which is pending on the file of the II Additional Family Court and simultaneously filed applications under Section 26 of the Protection of Women from Domestic Violence Act, read with Section 12 of the Act, seeking permanent alimony and interim maintenance before the II Additional Family Court, Chennai in I.A. No.869 and 870 of 2014, respectively.

4 I submit that the learned Family Court was pleased to refer the above O.P. and applications to Alternative Dispute Centre for mediation, where, myself and first petitioner herein amicably settle the issue, as the 1st petitioner/husband agreed to pay a sum of Rs.5,00,000/- as permanent alimony to me and in this regard, a joint memo of compromise was entered into between myself and first petitioner herein before the Mediation Center on 27.01.2016. Accordingly, I have received a sum of Rs.3,00,000/- by way of demand draft bearing No.012094 dated 25.01.2016 drawn on ICICI Bank, Sriperumbudur Branch, from the first petitioner and also received another Rs.1,75,000/- by way of demand draft No.012479 drawn on ICICI Bank, Nungambakkam Branch on 14.07.2016 and cash of Rs.25,000/- on 14.07.2016 from the first petitioner herein. Thus I have received entire amount of Rs.5,00,000/- as per the settlement arrived in the mediation center. I have no further claim either in past, present and future as against the petitioners. Hence, I am filing this consent affidavit.

5 I further submit that in view of the mutual settlement before the mediation center taken place on 27.01.2016, I undertake to withdraw the applications alone in I.A. No.869

and 870 of 2014 in O.P. No.415 of 2014 on the file of the II Additional Family Court, Chennai. Myself and the first petitioner herein have firmly declared to dissolve the marriage before the Hon'ble Family Court.

6 I submit that since the petitioners discharged their liability as against the de facto complainant, they will be relieved from the pending criminal proceedings as the same would tantamount to abuse of process of law despite settlement and compromise between the parties."

In view of the above, the prosecution in C.C. No.116 of 2015 on the file of the Judicial Magistrate No.I, Kancheepuram is quashed and this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Inspector of Police
All Women Police Station
Kancheepuram
- 2 The Judicial Magistrate Court No.1
Kancheepuram
- 3 -do- Thro'The Chief Judicial Magistrate,
Kancheepuram.
- 4 The Public Prosecutor
High Court of Madras
Chennai 600 104

+ 1 cc to Mr.S. Srinivasa Narayanan, Advocate Sr.40248

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RSY(CO)
Eu 09.08.16