

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15318 of 2016

1.U.Harish
2.M.Ulaganathan
3.U.Vasanthi
4.Shanmugapriya ... Petitioners

Vs

1.State by
The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai.
2.Archana ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and to quash the FIR in Crime No.1 of 2016 on the file of the respondent police as against the petitioners.

For Petitioners : Mr.A.Nagarajan
For 1st Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the FIR in Crime No.1 of 2016 on the file of the 1st respondent police as against the petitioners.

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

3. On 10.08.2016, this Court passed the following order:
"For the sake of convenience, the parties will be referred to by their name.

2. U.Harish got married to Archana on 26.06.2015 and they got estranged. Based on the complaint given by Archana, the respondent police have registered a case in Crime No.1 of 2016 against Harish and his family members for offences Under Sections 498-A, 506(ii) IPC and 67 of the Information Technology Act, 2000.

3. While so, Harish and his family members have filed criminal original petitions in Crl.OP.Nos.8440/16 and 8441 of 2016 for anticipatory bail and the matters were referred to the Tamil Nadu Mediation and Conciliation Centre, where, the parties appeared to have arrived at an agreement on 30.06.2016, under which, Harish had agreed to give a total sum of Rs.14.5 lakhs to Archana in full and final settlement and towards which, admittedly Harish has already paid Rs.7.5 lakhs to Archana and for the balance amount of Rs.7 lakhs, he has agreed to pay on the date of decree of divorce by mutual consent. Archana has agreed to withdraw the criminal case in Crime No.1/16.

4. In view of the Mediation agreement, Harish and his family members have filed a petition in Crl.OP.No.15318 of 2016 for quashing the FIR.No.1/2016, on the strength of the Mediation agreement.

5. Today, Archana is present and she has stated that she has received Rs.7.5 lakhs and further, expressed her apprehension that if the criminal prosecution is quashed, Harish will delay the divorce proceedings and also, payment of balance i.e. Rs.7 lakhs.

6. Mr.A.Nagarajan, learned counsel appearing for Harish fairly submitted that in order to allay Archana's apprehension, his client is prepared to deposit Rs.7 lakhs to show his bonafide. He further submitted that his client will deposit a sum of Rs.7 lakhs in the name of Archana in a fixed deposit account with the Indian Bank, High Court Branch, Madras and will submit the deposit receipt to this court on 24.08.2016.

7. Accordingly, Harish is directed to deposit the balance amount of Rs.7 lakhs in a fixed deposit account with the Indian Bank, High Court Branch, Madras, in the name of Archana, and produced the deposit receipt before this Court on 24.08.2016.

Post the matter on 24.08.2016 for reporting compliance."

4. Today, when the matter was taken up for hearing, Archana is present before this Court. Mr.Nagarajan, learned counsel appearing for Harish submitted that, pursuant to the order passed by this Court, a sum of Rs.7,00,000/- [Rupees seven lakhs only] has been deposited in the name of Archana.V in the Indian Bank, Madras High Court branch vide receipt No.0525479 dated 19.08.2016 for a period of one year ending on 19.08.2017. A photocopy of the deposit receipt has been furnished to both the parties.

5. Registrar [Judicial], High Court, Madras is directed to hand over the original deposit receipt to the Secretary, Tamil Nadu State Legal Services Authority, High Court campus, Chennai for safe custody.

6. After the divorce proceedings are over, Archana is directed to approach the Secretary, Tamil Nadu State Legal Services Authority and collect the original receipt under due acknowledgment and identification.

7. In view of the above, the petition is allowed and the FIR in Crime No.1 of 2016 on the file of the respondent-Police is hereby quashed against all the accused.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
W-21, All Women Police Station,
Guindy,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

3.The Registrar [Judicial],
High Court, Madras.

4.The Member Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Chennai.

1 cc to M/s.K.R.Rameshkumar, Advocate, sr.48036

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kra 02.09.2016