

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

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

CrI.O.P. No.20192 of 2013
and M.P.No.1 of 2013
& CrI.M.P.No.9744 of 2016

1.Raja Balasubramanian
2.Saroja
3.Balasubramanian
4.Vanathi ... Petitioners/Accused

vs.

1.State rep by
Inspector of Police
W-1, All Women Police Station
St.Thomas Mount
Chennai 600 016.

2.V.Saminathan ... Respondents

Criminal Original Petition filed under Section 482, Cr.P.C.
to call for the records in C.C.No.913 of 2012, on the file of
Judicial Magistrate-1, Alandur, quash all the proceedings in the
same.

For petitioners	Mr.J.I.Rajkumar Roberts
For R1	Mr. C. Emalias
	Addl. Public Prosecutor
For R2	Mr.S.Sasikumar

सत्यमेव जयते
ORDER

This petition has been filed to call for the records in
C.C.No.913 of 2012, on the file of Judicial Magistrate No.1,
Alandur and quash all the proceedings in the same.

2. Heard the learned counsel for the petitioners, learned
Additional Public Prosecutor appearing for the State and the
learned counsel for the de facto complainant.

3. On the complaint lodged by Prof.Saminathan, the
respondent police registered a case in Cr.No.6 of 2011 and after
completing the investigation, has filed a Final Report in
C.C.No.913 of 2012 before the Judicial Magistrate No.1, Alandur,

for offences u/s 498-A, 312 and 506(i) IPC against the petitioners herein, for quashing which the petitioners are before this Court.

4. On notice, Mr.S.Sasikumar, learned counsel entered appearance for the second respondent.

5. It is the case of the prosecution that Kiruthika, D/o Prof.Saminathan married Raja Balasubramanian on 21.02.2005 and their marriage ran into rough weather, resulting in the spouses getting estranged. It is alleged by Prof.Saminathan, that his daughter was subjected to cruelty by the petitioners/accused herein and hence, the FIR and consequently the charge sheet.

6. Though several grounds have been raised in the quash application, Mr.Rajkumar Roberts, learned counsel for the accused submitted that Raja Balasubramanian and Kiruthika have mutually dissolved their marriage and they are now settled in the United States and that both of them have got re-married. Prof.Saminathan has filed an affidavit dated 24.11.2016, wherein it is stated as follows:

"2. I humbly submit that the above petitioners filed a petition for quashing the charge sheet filed by the 1st respondent before the learned Judicial magistrate, Alandur in C.C.No.913 of 2012 in Crl.O.P.No.20192 of 2013. I further state that since my daughter viz., Kirthika Saminathan had already obtained Divorce Decree from the Court of Common Pleas of York County, Pennsylvania, united States in Civil Action No.2010-FC-1791-02 dt.25.04.2013, and remarried to settle the issues amicably, I have no interest to proceed with the prosecution in respect of the above case pending in C.C.No.913 of 2012 on the file of the learned Judicial Magistrate, Alandur and as such I have no objection for allowing the abovesaid quash petition and passing the necessary order to that effect. Without prejudice to my legal rights, I am filing this affidavit.

Hence I pray that this Hon'ble Court may be pleased to take this Affidavit on the file of this Hon'ble Court to record my No Objection for allowing the above said quash petition and also my No Objection for not proceeding with the prosecution in respect of C.C.No.913 of 2012 pending on the file learned Judicial Magistrate, Alandur and pass such further or other orders as this Hon'ble Court may deem fit and proper and render justice."

In the light of the above, as both the parties have amicably settled all the issues and one has no claim against the other, this quash application is allowed and the proceedings in C.C.No.913 of 2012 on the file of the Judicial Magistrate No.1, Alandur is quashed as against all the accused. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms
To

1.Inspector of Police
W-1, All Women Police Station
St.Thomas Mount
Chennai 600 016.

2.The Judicial Magistrate-1,
Alandur.

3.The Public Prosecutor
High Court, Madras.

+3cc to Mr.J.I.Rajkumar Roberts, Advocate Sr.68616

Cr1.O.P. No.20192 of 2013

vsn[co]
srg 22/12/2016

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