

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17074 of 2016

P.Nagarajan ... Petitioner/Accused

Vs

1.State

The Inspector of Police
W22, All Women Police Station
Mylapore, Chennai-4. ... 1st respondent/complainant

2.G.Divya Lakshmi ... 2nd respondent / defacto complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.12 of 2015 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mrs.D.Kamatchi

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor, For R1

Mr.P.Vijendran, For R2

O R D E R

This petition has been filed to call for the records in Crime No.12 of 2015 on the file of the 1st respondent herein and quash the same.

2. Today, when the matter was taken up for hearing, G.Divya Lakshmi, the defacto complainant is present and she is represented by her advocate Mr.P.Vijendran.

3. On the complaint lodged by G.Divya Lakshmi, the respondent police registered a case in Crime No.12 of 2015 dated 25.05.2015 under Sections 498(A) and 406 IPC against Nagarajan, challenging which Nagarajan is before this Court on the ground that the parties have arrived at an amicable settlement.

4. G.Divya Lakshmi has filed an affidavit wherein, it is stated as follows:

"I state that as agreed by the
petitioner herein he gave the permanent
alimony as follows:-

(i) a Demand Draft for a sum of Rs.5,00,000/- (Rupees five laksh only) drawn on ICICI Bank, Nungambakkam Branch, bearing No.500666, dated 03.10.2015 (received by me on 15.10.2015)

(ii) a Demand Draft dated 30.05.2016 bearing No.183556 drawn on Canara Bank, Post and Telegraph Nagar Branch, Madurai for a sum of Rs.5,00,000/- (Rupees five lakhs only) (received by me on 26.07.2016).

(iii) Fixed Deposit Receipt for a sum of Rs.35,00,000/-, in the name of MINOR N.D.Kashini, deposited in Indian Bank, High Court Branch, Chennai dated 04.08.2016 bearing 0525311 (received by me today).

(iv) a Demand Draft dated 09.08.2016, bearing No.183803 drawn on Canara Bank, Post and Telegraph Nagar Branch, Madurai for a sum of Rs.4,00,000/- (Rupees Four Lakhs Only). (agreed to receive during the final disposal of the OP.No.4083/2015 before the Family Court, Chennai)

I had received the item No.i to iii of the amount i.e. a sum of Rs.45 Lacs out of 49 lacs. Further, I learnt that the balance four lacs, petitioner made it ready and I agreed to receive the same during the disposal of the O.P. For mutual consent.

I respectfully state that the 1st petitioner had acted as per the terms and conditions. Since, we both want to put to an end of all the issues arise out of our marriage and decided to live peaceful by obtaining divorce under mutual consent, I am not willing to proceed further in the Criminal complaint lodged by me against the petitioner herein. I understand, the petitioner had filed the above CrI.O.P for quashing the F.I.R. I humbly state that I have no objection in quashing the same. In the interest of justice, this Hon'ble Court may consider by submission and to pass an order to deem fit and proper to the facts of this case."

In view of the above, this petition is allowed and the F.I.R.No.12 of 2015 on the file of the 1st respondent is quashed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police
W22, All Women Police Station
Mylapore, Chennai-4.

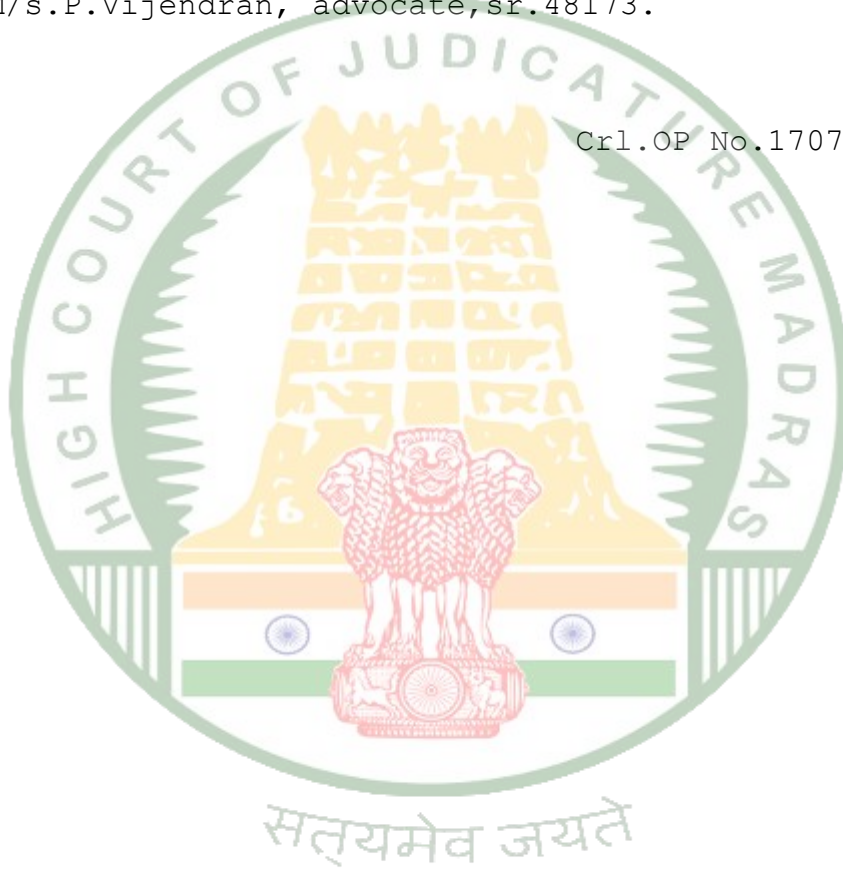
2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.Kamatchi,D.Advocate,sr.48059

+1 cc to M/s.P.Vijendran, advocate,sr.48173.

rp(co)
krd 2/9

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