

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27076 of 2015

1.K.S.M.Karthikeya
2.Aravind

... Petitioners

Vs

1.State, rep. by its
Inspector of Police,
All Women Police Station,
Kangayam.

2.Renuka Devi

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in C.C.No.212 of 2014 on the
file of the learned Judicial Magistrate, Kangayam and quash the
same.

For Petitioners :Mr.R.Vivekananthan

For respondents :Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1
Mr.S.Saravanan,
for R.2

ORDER

The present criminal original petition has been filed
to call for the records in C.C.No.212 of 2014 pending on the
file of the learned Judicial Magistrate, Kangayam and quash the
same.

2. The petitioners are accused in C.C.No.212 of 2014
pending on the file of the learned Judicial Magistrate,
Kangayam. The second respondent is the de facto complainant.

3. The brief facts are as follows:- The marriage
between the first petitioner and the second respondent was
solemnized on 1.11.2001 and due to their wedlock, two daughters
were born to them. Subsequently, dispute arose between the first
petitioner and the second respondent and the second respondent

preferred a complaint with the first respondent police against the first petitioner and his brother, the second petitioner herein on the allegation that they have kidnapped her daughters. Based on the said complaint, a case was registered in Crime No.7 of 2014 for the alleged offence punishable under sections 498A, 406, 294(b) and 506(ii) I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 read with Section 109 I.P.C. After completion of investigation, charge sheet was filed and the same was taken on file as C.C.No.212 of 2014 and now the case is pending before the learned Judicial Magistrate, Kangayam. Thereafter, the second respondent filed a Habeas Corpus Petition in H.C.P.No.1355 of 2014 before this Court and the same was disposed of on 27.6.2014. Aggrieved over the said order, the first petitioner preferred SLP before the Hon'ble Supreme Court in SLP No.4855 of 2014 and the Hon'ble Supreme Court disposed of the said SLP on 1.8.2014 with the following observations:-

" 6. Further proceedings in Crime No.366 of 2014, Udhiyur Police Station and Crime No.7 of 2014, Kangayam Police Station, both filed against the husband shall remain stayed to enable the parties to have their matrimonial disputes resolved amicably in its entirety.

7. Until permission of this Court, no further case would be lodged by either of the parties against each other."

In view of the said observations, the petitioners have filed the present criminal original petition to quash the proceedings in C.C.No.212 of 2014 pending on the file of the learned Judicial Magistrate, Kangayam.

4. Today, when the matter was taken up for consideration, the first petitioner and the second respondent filed separate affidavits stating that they have amicably settled the disputes between them and they have undertaken that they will not file any case against each other and the second petitioner. Further, in the affidavits filed by them, they have stated that they have no claim against each other. Thus, they sought for quashing the proceedings in C.C.No.212 of 2014 pending on the file of the learned Judicial Magistrate, Kangayam.

5. But, the learned Additional Public Prosecutor opposed to quash the same stating that the case was registered under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 which is a non-compoundable offence.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. While disposing the Special Leave Petition in S.L.P.No.4855 of 2014, the Hon'ble Supreme Court has stayed the proceedings pending against the first petitioner in Crime No.366 of 2014, Udhiyur Police Station and Crime No.7 of 2014, Kangayam Police Station to enable the parties to have their matrimonial disputes resolved amicably in its entirety. Only pursuant to the directions of the Hon'ble Supreme Court, a compromise was arrived at between the parties. Hence, I am of the opinion that based on the compromise arrived at between the parties, the proceedings in C.C.No.212 of 2014 pending on the file of the learned Judicial Magistrate, Kangayam, could be quashed in respect of the petitioners / accused.

8. In fine, the proceedings in C.C.No.212 of 2014 pending on the file of the learned Judicial Magistrate, Kangayam, are quashed in respect of the petitioners / accused and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Kangayam.

2.The Inspector of Police,
Udhiyur Police Station,
Kangayam.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.1643

+1cc to Mr.S.Saravanan, Advocate, S.R.No.936

Cr1.O.P.No.27076 of 2015

kji (CO)
srg (27/01/2016)