

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

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

Crl.O.P. No.28703 of 2015 & M.P. Nos.1 & 2 of 2015

1	Mohanraj	
2	Raj @ Rajivee	
3	Kantharaj	
4	Saravanan	
5	Nisha @ Ushadevi	Petitioners

vs.

1	The State represented by The Inspector of Police W-18, All Women Police Station M.K.B. Nagar Chennai 600 039 (Crime No.2 of 2014)	
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2	Jaya	Respondents
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Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in C.C. No.746 of 2015 pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai and quash the charge sheet.

For petitioners

For R1

For R2

Mr. R. Balakrishnan

Mr. C. Emalias

Addl. Public Prosecutor

Mr. N. Moorthi

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ORDER

This Criminal Original Petition is filed seeking to call for the records in C.C.No.746 of 2015 pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai and quash the charge sheet.

2 For the sake of convenience, the parties are referred to by their name.

3 On the complaint lodged by Jaya, the second respondent herein, the first respondent police registered a case in Crime No.2 of 2014 and after completing the investigation, has filed a final report in C.C. No.746 of 2015 before the X Metropolitan Magistrate, Egmore, Chennai, for offences under Section 498-A and 506(I) read with 34 IPC against the petitioners herein, challenging which, they have approached this Court for quashing the prosecution on the ground that they have arrived at a compromise with Jaya.

4 Today, Mohanraj (A1) and Jaya (second respondent/de facto complainant) are present and they are identified by Ms. C. Rangeswari, WHC, W18 All Women Police Station, M.K.B. Nagar, Chennai, who is also present before this Court.

5 The parties have filed a joint memo of compromise dated 22.04.2016, wherein, it is stated as under:

“The 1st petitioner filed a divorce petition in H.M.O.P. No.2465 of 2011 before the III Additional Family Court. The 2nd respondent/complainant/wife of the 1st petitioner filed restitution of conjugal rights before the 3rd Additional Family Court in O.P. No.1557 of 2010. All the cases settled by the 1st petitioner/husband and 2nd respondent/complainant/wife before the 3rd Additional Family Court, Chennai. The 2nd respondent/complainant/wife herself received a Rs.8,00,000/- from the 1st petitioner/husband and on behalf of her minor son namely Saran final settlement for all cases. The 2nd respondent/complainant/wife received her Seedhana articles on 18.04.2016 from the 1st petitioner/husband. The 2nd respondent/complainant/wife agreed and given a consent for withdraw her complaint in Crime No.2/2014 on the file of 1st respondent.

It is therefore the petitioners/respondent No.2/complainant in Clr.O.P. No.28703 of 2015 herein prays that this Hon'ble Court may be pleased to accept the joint memo of the petitioners/2nd respondent/complainant may be disposed of recording the compromise and the quash petition may be closed. . . .”

P.N. PRAKASH, J.

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6 In view of the above, the prosecution in C.C. No.746 of 2015 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai, is quashed.

Resultantly, this Criminal Original Petition is allowed. Connected M.Ps. are closed.

02.09.2016

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To

- 1 The Inspector of Police
W-18, All Women Police Station
M.K.B. Nagar, Chennai 600 039
- 2 The X Metropolitan Magistrate
Egmore, Chennai
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104

Crl.O.P. No.28703 of 2016