

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17509 of 2016

1. K.Emmanuel Jayakumar,
2. P.Shakkina,
3. S.Philip .. Petitioners/Accused No.1 to 3

Vs

State by

- 1.The Inspector of Police,
W 6 All Woman Police Station,
Ayanavaram,
Chennai- 600 023.
2. Mr.P.Annie Sebasteena.. Respondents/Complainant & Defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for records and quash the proceedings in C.C.No.1555 of 2012 on the file of V Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.Shaikh Mehrunisa

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

ORDER

This petition has been filed to call for records and quash the proceedings in C.C.No.1555 of 2012 on the file of V Metropolitan Magistrate, Egmore, Chennai.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by P.Annie Sebasteena, the respondent police registered a case in Cr.No.6/2010 on 16.07.2010 for offences u/s 498(A) and 406 IPC, and after completing the investigation has filed Final Report in C.C.No.1555 of 2012 before the V Metropolitan Magistrate, Egmore, Chennai, against which the petitioners are before this Court for quashing the prosecution on the ground, that they have arrived at an amicable settlement with the de facto complainant.

4. Today, Mr.K.Manonmani, Woman Head Constable, W 6 All Women Police Station, Ayanavaram, is present before this Court. Emmanuel Jayakumar [A1] and P.Annie Sebasteena [de facto complainant], are also present before this Court and they submitted that they have rejoined and are living happily. They have also filed the Memorandum of Compromise, wherein in paragraphs 6 to 8, it is stated as follows:-

"6. The defacto complainant herein and all the petitioners on 09.04.2014 arrived at a compromise in the presence of the church elders and both our family members and had been living together peacefully at 3/549, Mogappair west, Chennai along with in laws till date without having any knowledge about the exparte divorce order. After knowing about the exparte divorce both the first petitioner and the defacto complainant have taken steps to set aside the exparte order and to withdraw the main divorce petition before the I Additional Family Court, Chennai.

7. The defacto complainant had also filed the above said criminal case in crime no.6/2010 under Section 498A and 406 IPC and the same has been numbered as C.C.No.1555 of 2012 pending disposal before V M.M. Egmore, Chennai. The trial in this case has not yet commenced.

8. In view of their joint decision all the accused and the defacto complainant are filing this joint memo of compromise without coercion or compulsion. Now all the parties are living together happily along with their minor daughter from 09.04.2014 and want to remain united for the rest of their lives hence this quash petition".

5. In view of the above, this petition is allowed and the proceedings in C.C.No.1555 of 2012 on the file of the V Metropolitan Magistrate, Egmore, Chennai, is quashed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
W 6 All Woman Police Station,
Ayanavaram,
Chennai- 600 023.

2.The V Metropolitan Magistrate,
Egmore, Chennai.

3. -do- thro' The Chief Metropolitan Magistrate,
Egmore, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+2 cc's to Ms. Shaikh Meharunisha, Advocate, sr.45722.

rk(co)
krd 29/8

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