

IN THE HIGHER COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CRL.O.P.No.7848 of 2013

1. Muhammed Mehsheer
2. Mustafa
3. Mehseena
4. Mahrooza

: Petitioners

Vs.

1. E.V.Sherin Farhana

- 2.State by The Inspector of Police,
Kunyamuthur Police Station,
Coimbatore City
(Crime No.935/2011)

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.92 of 2012 now pending on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the proceedings as not maintainable on facts and in law.

For Petitioners : Mr.N.Ranganathan

For Respondent No.1 : Mr.V.Nandakumar

For Respondent No.2 : Mr.Mr.Mohammed Riyaz

Government Advocate (Crl. Side)

सत्यमेव जयते
O R D E R

The quash petition has been filed by the petitioners seeking to quash the proceedings in C.C.No.92 of 2012 on the file of learned Judicial Magistrate No.VII, Coimbatore.

2. Today, both the learned counsel for the petitioners and the first respondent present. The petitioners, who are the accused in C.C.No.92 of 2012, have come forward with this application for quashing the case pending on the file of the Judicial Magistrate No.VII, Coimbatore. On the basis of the complaint given by the first respondent, the case in Crime No.935 of 2011 has been registered on 12.11.2011 for the offence under section 498(A) IPC. After due investigation, charge sheet

has been filed, which has been taken cognizance in C.C.No.92 of 2012 on the file of the Judicial Magistrate No.VII, Coimbatore. The accused in C.C.No.92 of 2012 have come forward with this application for quashing the proceedings.

3. The learned counsel appearing for the first respondent present and filed the order of the Apex Court stating that when the respondent/wife filed an application for transfer in Transfer Petition (Criminal) No.503 of 2012, an order has been passed and in that, compromise has been entered into between both the parties in the mediation. In the said Order, in Clause V, it has been specifically mentioned as follows :

"V. Sherin Farhana will give necessary assistance in the O.P. pending before the Hon'ble High Court of Tamil Nadu as CrI.O.P.7848/2013 filed by Muhammed Mehsheer for quashing the complaint filed by the Sherin Farhana alleging offence U/s.498 (A) of IPC against Muhammed Mehsheer and relatives."

4. Now the learned counsel appearing for the first respondent/defacto complainant has no objection for quashing the proceedings.

5. It is seen that the alleged offences attributed against the petitioners are under Section 498(A) of the Indian Penal Code.

6. Considering the nature of allegation and also considering the compromise entered into between the petitioners and the first respondent and since the Investigating Agency, on completion of investigation, has filed a charge sheet, which has been taken on file in C.C.No.92 of 2012 on the file of the learned Judicial Magistrate No.VII, Coimbatore, this Court is of the opinion that no useful purpose would be served by allowing the trial to proceed with. Therefore, the entire proceedings in C.C.No.92 of 2012 on the file of the learned Judicial Magistrate No.VII, Coimbatore, in respect of the petitioners is, hereby, quashed and this Criminal Original Petition is allowed accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc

To

1.The Court of Judicial Magistrate No.VII,
Coimbatore.

2.The Inspector of Police,
Kunyamuthur Police Station,
Coimbatore City

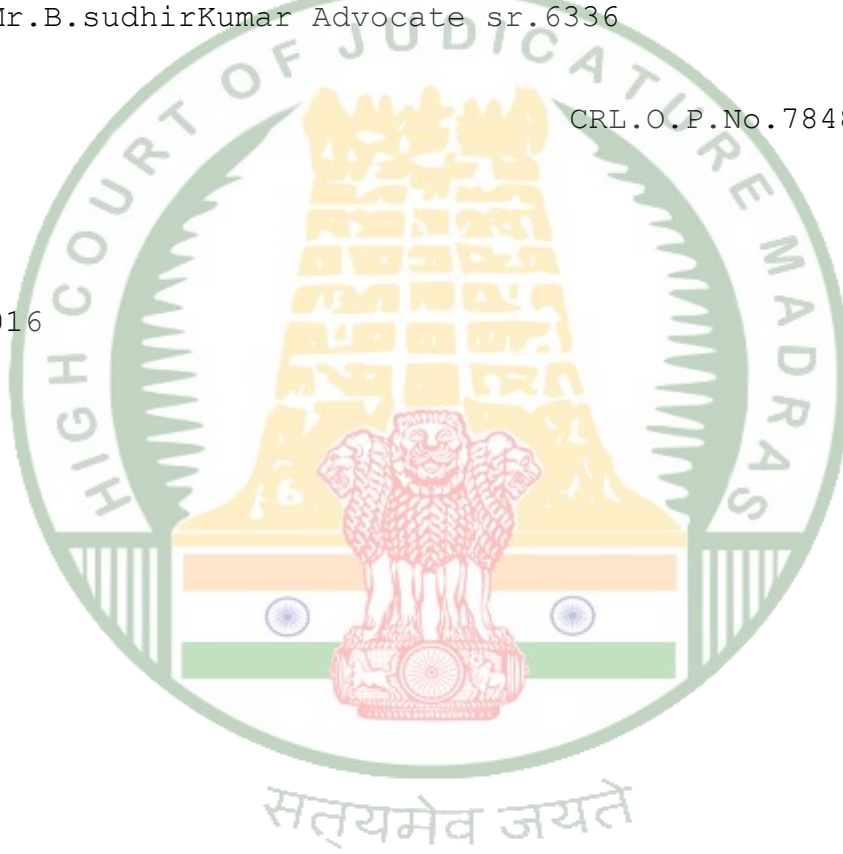
3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Nandhakumar Advocate sr6456

+1 cc to Mr.B.sudhirKumar Advocate sr.6336

CRL.O.P.No.7848 of 2013

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