

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2016

CORAM:

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

Crl.O.P. Nos.18686 and 20475 of 2016

and Crl.M.P.No.9557 of 2016 in

Crl.O.P.No.20475 of 2016

and Crl.MP.No.9557 of 2016 in

Crl.OP.No.20475 of 2016

1.S.Rajiv
2.Mageshwari
3.N.M.S.Sekar

Petitioners in Crl.OP.18686/2016/
Accused 3 to 5

1.M/s Globe Detective Agency (P) Ltd.,
Rep by its Power of Attorney
Mr.Rajkumar, M.

2.M.Navaneetha Krishnan

Petitioners in Crl.OP.20475/2016/
Accused A2 & 3

vs.

1.The State rep by
The Inspector of Police
B-3 Kattur Police Station
Coimbatore City
Coimbatore District.
CR.No.17/2007

2.N.Hemalatha

Respondents in both Crl.O.Ps./
Defecto Complainant

Criminal Original Petition No.18686/2016 filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.379 of 2015 on the file of learned Judicial Magistrate II, Coimbatore against Crime No.1361 of 2014 on the file of the Inspector of Police, B-3 Kattur Police Station, Coimbatore City, Coimbatore.

Criminal Original Petition No.20475/2016 filed under Section 482 Cr.P.C. to call for the records and quash the criminal proceeding pending against the petitioners in C.C.No.379 of 2015 on the file of learned Judicial Magistrate No.II, Coimbatore and quash the same.

For petitioners
in CrI.O.P.18686/2016

Mr.Dr.C.Ravichandran

For petitioners
in CrI.O.P.20475/2016

Mr.P.M.Duraiswamy

For Respondents

Mr. C. Emalias

Additional Public Prosecutor for R1

Mr.R.Bharanidaran for R2

ORDER

These petitions have been filed to call for the records and quash the criminal proceedings pending against the petitioners in C.C.No.379 of 2015 on the file of learned Judicial Magistrate No.II, Coimbatore and quash the same.

2. Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor appearing for the State and the learned counsel for the de facto complainant.

3. On the complaint lodged by Hemalatha, the first respondent police registered a case in Cr.No.1361 of 2014 and after completing the investigation, has filed a Final Report in C.C.No.379 of 2015 before the Judicial Magistrate-II, Coimbatore, for offence u/s 4 of the Prohibition of Harassment of Women Act and Sec.509 r/w 109 and 120-B IPC against the petitioners herein, for quashing which they are before this Court, on the ground that the parties have entered into a compromise.

4. Today, N.Hemalatha, the de facto complainant is present and is identified by Mr.R.Bharanidaran, learned counsel on record.

5. A copy of the Memorandum of Understanding dated 02.07.2016 signed by all the parties, including Hemalatha has been filed, wherein the relevant portion relating to these cases is as follows:

"(k) The Party of the Third Part agree to appear before the Hon'ble High Court, Madras in the quash proceedings to be filed by the Party of the First and Second Part as against C.C.No.379/2015 now pending on the file of Hon'ble Judicial Magistrate Court No.II, Coimbatore, captioned as Case No.4 above. As this case has aroused out of the

differences between the party of the First Part and Third Part and now as they have mutually agreed to close all the disputes between them. The offences are non compoundable and the Parties of the First and Second Part either has to move before Hon'ble High Court to quash the Charge Sheet or to obtain an order to discharge them."

6. This Court made direct enquiries with Hemalatha and she stated that she had entered into the said Memorandum of Understanding on her own volition. Pursuant to the Memorandum of Understanding, the balance sum of Rs.25 lakhs has been paid to Hemalatha by way of three Demand Drafts bearing Nos.196002 [for Rs.5 lakhs], 196019 [for Rs.10 lakhs] and 196020 [for Rs.10 lakhs], all dated 29.08.2016, drawn on Bank of Maharashtra and the same were handed over to her in the open Court.

In view of the above, these petitions are allowed and the prosecution in C.C.No.379 of 2015 on the file of learned Judicial Magistrate No.II, Coimbatore is hereby quashed. Connected M.P. is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

gms

To

1. The Inspector of Police
B-3 Kattur Police Station
Coimbatore City
Coimbatore District.

2.The Judicial Magistrate II,
Coimbatore .

3. Thro The Chief Judicial Magistrate,
Coimbatore

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

+2 CC to C. Ravichandran, Advocate, Sr.50774,51051

+1 CC to M/s. R. Karthikeyan, Advocate Sr.No.50768

CrI.O.P. Nos.18686 and 20475 of 2016

CA (CO)

MD 14/09/2016