

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.19796 of 2016

1. S.Sivakumar
2. Sundaramoorthy
3. Indirani Petitioners

Vs

1. The Sub Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai -39.
2. B.Abirami Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in CC.7487/2006 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and to quash the same.

For Petitioners : Mr.J.Nandagopal

For Respondents : Mr.C.Emalias, APP [for R1]
Mr.P.Babu [for R2]

O R D E R

This petition has been filed to quash the proceedings in C.C.No.7487 of 2006 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai.

2. Heard the learned counsel for the petitioners; learned counsel appearing for the 2nd respondent and perused the materials placed on record.

3. On the complaint lodged by Abirami, the respondent Police registered a case in Crime No.323 of 2004 and after completing the investigation, has filed a final report in C.C.No.7487 of 2006 before the learned Chief Metropolitan Magistrate, Egmore, Chennai against the petitioners for offences under Section 498A, 420 and 406 IPC r/w Section 34 IPC and Section 4 and 6 of Dowry Prohibition Act, challenging

which, the petitioners/accused are before this Court, on the ground that the parties have arrived at a compromise.

4. Learned counsel for the petitioners and the 2nd respondent submitted that though trial in the case had commenced, yet during the pendency, the parties have entered into a Memo of Compromise.

5. The terms of the Memo of Compromise dated 30.08.2016, reads as follows:

"3. The Party of the 1st part shall pay the Party of the 2nd Part the said amount for a sum of Rs.2,75,000/- in the following manner.

Today a sum of Rs.2,75,000/- cash paid by the Party of the 1st Part to the Party of the 2nd Part and she has acknowledge the same as full and final settlement and has no objection for the Hon'ble Court to quash the Criminal Complaint in C.C.No.7487 of 2006. To pay a sum of Rs.10,000/- at the time of disposal of 13[b] petition after 6 months.

4. It is agreed that Party of the 1st Part and his Parents can move for quashing of the complaint in C.C.No.7487 of 2006 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai before the Hon'ble High Court Madras, where the Party of the 2nd Part shall cooperate and represent her no objection for quashing the said complaint."

6. Today, Abirami is present and she is represented by her counsel Mr.P.Babu. She has filed an affidavit, wherein, it is stated as follows:

"4.I state that as there is no possibility of reunion between me and my husband, and in order to purchase peace, the 1st petitioner and myself have arrived at a compromise and entered into an amicable settlement.

5. I state that as per the terms of the settlement, the 1st petitioner agreed to give Rs.2,75,000/- [Rupees Two Lakhs Seventy Five Thousand only] to me as permanent alimony and I agreed to give consent for divorce under Section 13-B of the Hindu Marriage Act, 1955. Out of the aforesaid sum of Rs.2,75,000/-, the 1st petitioner has paid a sum of Rs.2,65,000/- [Rupees Two Lakhs Sixty Five Thousand only] by cash on this day and I received the same and I signed the Petition for divorce under mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

6. I state that the 1st petitioner agreed to pay the balance sum of Rs.10,000/- [Rupees ten thousand only] at the time of recording evidence in the OP for divorce under Section 13-B of Hindu Marriage

Act, 1955.

I, therefore, have no objection for quashing the proceedings in C.C.No.7487 of 2006 pending on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and thus render justice."

7. In view of the above, this petition is allowed and the proceedings in C.C.No.7487 of 2006 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai is hereby quashed against all the petitioners/accused.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Metropolitan Magistrate Court,
Egmore, Chennai.

2.The Sub Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai -39.

3.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.J.Nandagopal, Advocate, sr.50700

सत्यमेव जयते

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mp co
kra 16.09.2016

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