

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM:

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

Cr1.O.P. No.20526 of 2016

1.Dr. M.Mervin Leo
2.Mercy Catherine

... Petitioners

Vs.

1.C.Katherine Akshaya
2.The Inspector of Police
W-3, All Women Police Station
Chindadripet, Chennai
(Crime No.3 of 2015)

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.2782 of 2016 now pending on the file of the Chief Metropolitan Magistrate, Egmore and quash the same.

For petitioners : Mr.Praveen Alexander

For respondents : Mr.M.V.Vijayabaskar for R1
Mr.C. Emalias
Additional Public Prosecutor for R2

ORDER

This petition has been filed to call for the records in C.C.No.2782 of 2016, now, pending on the file of the Chief Metropolitan Magistrate Court, Egmore and quash the same.

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

3. On the complaint lodged by Catherine Akshaya, the second respondent police registered a case in Crime No.3 of 2015 and after completing the investigation, has filed a final report in C.C. No.2782 of 2016 before the Chief Metropolitan Magistrate

Court, Egmore for offences under Sections 498-A, 406 and 323 IPC against Dr. M.Mervin Leo (A1) and Mercy Catherine (A2) for quashing which, the accused are before this Court on the ground that the parties have arrived at a compromise.

4. Today, the petitioners and the first respondent/de facto complainant are present and they are identified by Ms.R.Senthamarai, HC 16816, W-3, All Women Police Station, Egmore (Chintadripet) who is also present before this Court.

5. Today, the first respondent/de facto complainant has filed an affidavit, wherein, it is stated as follows:

"2. I state that based upon a complaint preferred by me, the 2nd respondent filed a final report as against the petitioners for alleged offences under sections 498(A), 406 and 323 of IPC and sections 4 and 6 of the DP Act and the same was taken on file by the Learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2782 of 2016.

3. I state that the first petitioner is my husband and the second petitioner is my Mother-In-Law and as such during the pendency of the C.C.No.2782 of 2016, the 1st Petitioner and myself had arrived at a compromise by amicably settling the Matrimonial dispute between us and today we have jointly filed a Mutual Divorce petition in S.R.No.8753 of 2016 before the Principal family Court at Chennai seeking a decree of divorce by mutual consent."

In view of the above, this petition is allowed and the prosecution in C.C.No.2782 of 2016 on the file of the Chief Metropolitan Magistrate Court, Egmore, is hereby quashed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

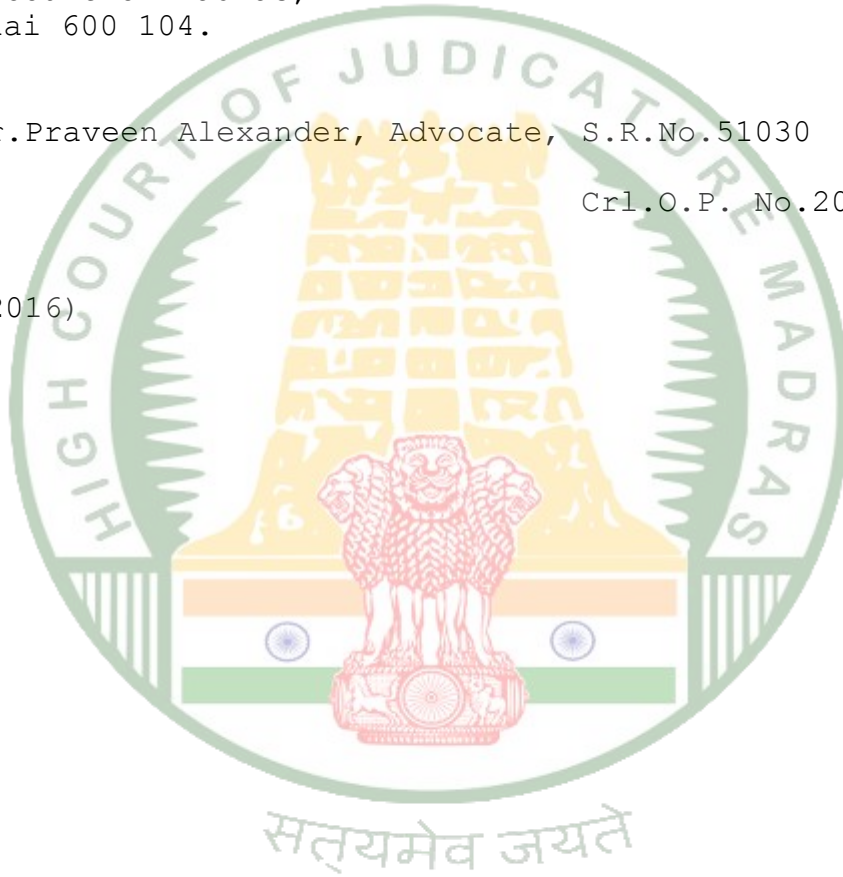
To

1. The Inspector of Police
W-3, All Women Police Station
Chindadripet, Chennai
2. The Chief Metropolitan Magistrate
Egmore
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.

+1cc to Mr.Praveen Alexander, Advocate, S.R.No.51030

Crl.O.P. No.20526 of 2016

AK(CO)
CA(29/09/2016)



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