

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.21375 of 2016

V.Srinivasan

... Petitioner

versus

1. State Rep. by
Inspector of Police,
J-10, Chemanjeri Police Station,
Sholinganallur,
Chennai 600119.

2. S.Srinivasan

3. Lavanya

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the records relating to S.C.No.91 of 2014 pending on the file the learned Sessions Judge, Mahila Court, Chengalpattu and to quash the above said case.

ORDER

For the sake of convenience, the private parties to the proceedings will be referred to in this order by their respective name.

2. Smt.Lavanya got married Sri.V.Srinivasan on 22.08.2003 and they have one child named as Venkatakrishnan, now aged 12 years through the wedlock. After some years, their matrimonial life ran into rough weather resulting in parties getting estranged. On the complaint given by Smt.Lavanya, the 1st respondent police registered a case in Crime No.275 of 2013 and after completing the investigation, the 1st respondent police filed final report which is now pending in S.C.No.91 of 2014 before the learned Sessions Judge, Mahila Court, Chengalpattu against Sri.V.Srinivasan for offences under Sections 498A, 307, 309 of IPC and Section 4 of The Dowry Prohibition Act.

3. It is the case of Smt.Lavanya that during a domestic quarrel Sri.V.Srinivasan stabbed her with a knife and slit his throat himself in an attempt to commit suicide. Fortunately, both of them were saved.

4. Now, it is reported that both the parties have arrived at a compromise between themselves and pursuant to which they filed a petition for mutual divorce in O.P.No.4633 of 2015 before the learned II Additional Judge, Family Court, Chennai and the marriage has also been dissolved by a decree of divorce by mutual consent on 02.09.2016. As a part of compromise, Smt.Lavanya had agreed to withdraw the case in S.C.No.91 of 2014 [in the decree the criminal case number has been wrongly typed as C.C.No.91 of 2014 instead of S.C.No.91 of 2014] pending on the file of the Mahila Court, Chengalpattu. Even in the divorce decree passed by the II Additional Family Court, Chennai, in paragraphs 5 and 6 it is stated as follows:-

"5. Both the petitioners submit that the 1st petitioner shall be the absolute guardian and custodian of the minor child S.Vaenkatakrisnan. The 2nd petitioner has made no objection in G.W.O.P.No.4637 of 2013, which was filed by the 1st petitioner, pending on the file of II Additional Family Court, Chennai. Both the petitioners have already exchanged their articles, jewels and all other belongings. The 1st petitioner withdrawn the O.P.79/2013, pending on the file of II Additional Family Court, Chennai. The 1st petitioner undertakes to compromise in C.C.No.91 of 2014, pending on the file of Mahila Court, Chengalpet. The 2nd petitioner shall have the visitation right of the minor child S.Vaenkatakrisnan in the school where he is studying, with prior intimation to the 1st petitioner.

6. This court finds no collusion or force, coercion or undue influence in filing this petition. There is no legal bar under Section 23 of Hindu Marriage Act in granting a decree of divorce by mutual consent."

5. Today, it is reported that after divorce, Smt.Lavanya is settled in United States of America. Smt.Lavanya's father Mr.Srinivasan S/o.Seetharaman and mother-Smtt.Kalpagam are present. Her husband-Mr.V.Srinivasan [A1] Son of Sri.Venkatesan is also present. Mr.S.Srinivasan, the father of Smt.Lavanya has stated that his daughter-Smt.Lavanya is now settled in United States of America and that she had agreed for divorce by mutual consent and that she will withdraw the case in S.C.No.91 of 2014 pending on the file of the learned Sessions Judge, Mahila Court, Chengalpattu. Mr.S.Srinivasan, the father of Smt.Lavanyan, has also filed an affidavit to that effect. In Para 5 of the affidavit it is stated as follows:-

"5. I submit that it was mutually agreed to withdraw the proceedings in S.C.No.91 of 2014. The petitioner had filed the above CrI.O.P.No.21375 of 2016 for quashing the said proceedings. I had received notice in the above said CrI.O.P. which was listed before this Hon'ble Court as Item No.115. I was present in the court along with my wife S.Kalpagam. Both of us have expressed before the Hon'ble Court that the matter has been amiably settled. Furthermore, we have also informed to the Hon'ble High Court that our daughter, S.Lavanya, 3rd respondent herein who is now presently working in Australia has also expressed her no objection for the petition being allowed as the issues between the petitioner and 3rd respondent, S.Lavanya has been mutually settled."

6. Recording the above, this criminal original petition is allowed and the criminal proceedings in S.C.NO.91 of 2014 on the file of the Mahila Court, Chengalpattu, is hereby quashed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Sessions Judge, सतयमेव जयते
Mahila Court, Chengalpattu,
Kanchipuram District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.G.Sumitra, Advocate, S.R.No.55366

CrI.O.P.No.21375 of 2016

NR(CO)
CA(24/10/2016)