

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

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

Crl.O.P. No.21850 of 2016 & Crl.M.P. No.10121 of 2016

1 Rajalakshmi
2 Babu

Petitioners

vs.

1 The State represented by
the Inspector of Police
All Women Police Station
Thousand Lights
Chennai 600 006
(Crime No.1 of 2014)

2 Salomi Sargunamary

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records and quash the FIR in Crime No.1 of 2014 dated 27.01.2014 on the file of the first respondent police.

For petitioners Mr. C. Palanisamy
For R1 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the FIR in Crime No.1 of 2014 dated 27.01.2014 on the file of the first respondent police.

2 On the complaint lodged by Salomi Sargunamary, the second respondent/de facto complainant, the first respondent police registered a case in Crime No.1 of 2014 on 27.01.2014 under Sections 498-A, 494 and 506 (I) IPC against one Arogya Jeyabalan (A1), Thomas (A2), Kuzhandai Teras (A3), Shanthi (A4), Rajalakshmi (A5) and Babu (A6), challenging which, Rajalakshmi (A5) and Babu (A6) have filed this Criminal Original Petition seeking quashment of FIR against them.

3 It is the case of Salomi Sargunamary that she got married to Arogya Jeyabalan on 09.07.2009 and thereafter, their marriage ran into rough weather, on account of which, they got estranged. It is alleged by her that she was ill-treated by her husband and his relatives and that during the subsistence of the first marriage, Arogya Jeyabalan (A1) got married to Shanthi (A4) who is the daughter of Rajalakshmi (A5) and sister of Babu (A6).

4 During investigation, the parties appear to have arrived at a compromise, pursuant to which, Arogya Jeyabalan (A1), Thomas (A2) and Kuzhandai Teras (A3) and Shanthi Kumar (A4) filed CrI.O.P. Nos.26413 of 2015, 4610 of 2014 and 10114 of 2014 respectively, for quashing the FIR in Crime No.1 of 2014 on the ground that they have arrived at a compromise with Salomi Sargunamary (de facto complainant).

5 This Court, on 25.02.2016, passed the following order:

"These petitions have been filed to quash the FIR in Crime No.1 of 2014 dated 27.01.2014 on the file of the first respondent police.

2. It is seen that the alleged offences attributed against the petitioners are under Sections 498-A, 494 and 506(I) IPC. Today, when the matter was taken up for hearing, the petitioners in all the petitions are present before this Court. However, the respondent/de facto complainant has not appeared before this Court, due to the ill-health of her child.

3. The learned counsel for the petitioners submitted that when the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, Chennai, the matter has been settled and divorce has been granted and therefore, nothing survives for adjudication in these petitions.

In view of the aforesaid submission made by the learned counsels appearing on behalf of the petitioners, the entire proceedings in Crime No.1 of 2014 on the file of the respondent in respect of the petitioners in all these petitions, is hereby quashed and these Criminal Original Petitions are allowed accordingly. Consequently, connected Miscellaneous Petitions are closed."

6 Since Rajalakshmi (A5) and Babu (A6) did not join bandwagon, FIR was not quashed against them. Hence, they have preferred this Criminal Original Petition for quashing the FIR.

7 In view of the fact that this Court has already quashed the FIR against the prime accused, the continuation of investigation as against the petitioners herein is clearly an abuse of process of law.

Accordingly, the proceedings in Cr. No.1 of 2014 on the file of the first respondent police is hereby quashed and this Criminal Original Petition is allowed. Connected Crl.M.P. is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

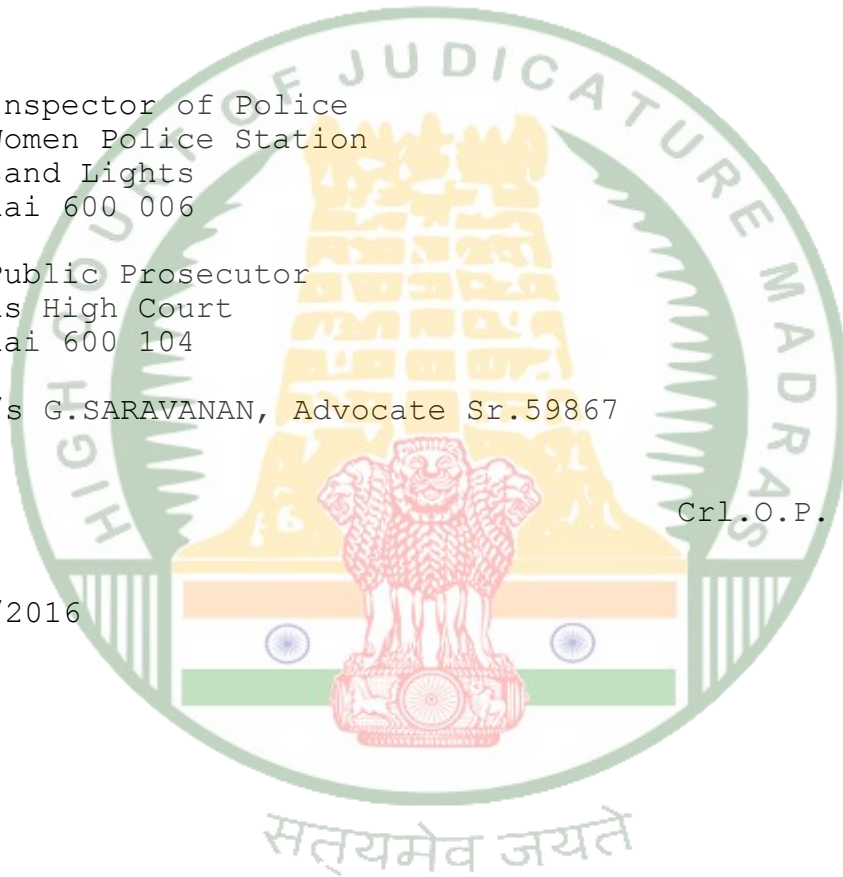
1 The Inspector of Police
All Women Police Station
Thousand Lights
Chennai 600 006

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to M/s G.SARAVANAN, Advocate Sr.59867

Cr1.O.P. No.21850 of 2016

LRS (CO)
RVR 09/11/2016



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