

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

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

CrI.O.P. No.22717 of 2016

1 N.L. Leo Esthok

2 Margret Mary

Petitioners

vs.

1 State represented by
the Inspector of Police
T-6 Avadi Police Station
Avadi, Chennai
Cr. No.94 of 2014

2 K.S. Magdeline Mary

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records and quash all the proceedings in C.C. No.126 of 2014 on the file of the Judicial Magistrate Court No.II, Poonamallee in Cr. No.94 of 2014 on the file of the Inspector of Police, T-6 Avadi Police Station, Chennai.

For petitioners
For R1

Mr. Gilbert
Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to call for the records and quash all the proceedings in C.C. No.126 of 2014 on the file of the Judicial Magistrate Court No.II, Poonamallee in Cr. No.94 of 2014 on the file of the Inspector of Police, T-6 Avadi Police Station, Chennai.

2 For the sake of convenience, the parties are referred to by their name.

3 Magdaline Mary got married to Leo Esthok on 24.06.2005 and they have one son through the wedlock. It appears that their marriage ran into rough weather and they got estranged. While so, Magdaline Mary lodged a complaint on 09.02.2014, based on which, the first respondent police registered a case against Leo Esthok and his mother Margret Mary in Crime No.94 of 2014 on 09.02.2014 under Sections 294 (b), 323, 324 and 506(i) IPC @ 498-A, IPC and after completing the investigation, have filed a charge sheet in C.C. No.126 of 2014 on the file of the Judicial Magistrate Court No.II, Poonamallee, challenging which, the accused have filed this Criminal Original Petition. Now, it appears that the parties have arrived at an amicable settlement.

4 Today, both Magdaline Mary and Leo Esthok are present and are identified by Mr. E. Dinakaran, Sub Inspector, T6 Avadi Police Station, who is also present before this Court.

5 Today, Magdaline Mary has filed an affidavit, wherein, it is stated as follows:

"5. The 1st petitioner further submits that as undertaken before the learned Principal and District Judge, Thiruvallur, he will join with the de facto complainant and their son and continue to live together happily in their matrimonial home and hence, the petitioners seek the indulgence of this Hon'ble Court for quashing the charge sheet."

In view of the above, this petition is allowed and proceedings in C.C.No.126 of 2014 on the file of the Judicial Magistrate Court No.II, Poonamallee, is hereby quashed. However, the petitioners are directed to pay a sum of Rs.5,000/- as costs to the Tamil Nadu State Judicial Academy, within a period of two weeks from the date of receipt of a copy of this order.

06.10.2016

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To

- 1 The Inspector of Police
 T-6 Avadi Police Station
 Avadi, Chennai
- 2 The Judicial Magistrate Court No.II
 Poonamallee
- 3 The Public Prosecutor
 Madras High Court
 Chennai 600 104
- 4 The Director
 Tamil Nadu State Judicial Academy
 Greenways Road
 Chennai 600 028

P.N. PRAKASH, J.

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