

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25..10..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.23603 of 2016

1.Dr.Keerthy Chandra
2.Mr.Noor Basha Moulali
3.Mrs.Samanthaka
4.Ms.Kalyani Vamsi
5.Sirorathnamma .. Petitioners/Accused 1 to 5

-Versus-

1.State Rep. by
The Inspector of Police,
Thirumangalam, Chennai.
Crime No.24 of 2015

2.Dr.Uthpala ... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the entire records relating to the case in Crime No.24 of 2015 on the file of the 1st respondent police and to quash the said case.

For Petitioners : Mr.A.Saravanan

For Respondents : Mr.C.Emalias, APP for R1

Mr.L.Baskaran for R2

ORDER

This original petition has been filed seeking to quash the case in Crime No.24 of 2015 pending on the file of the 1st respondent police.

2. On the compliant lodged by the 2nd respondent Dr.V.Uthpala, a case in Crime No.24 of 2015 was registered on 05.09.2015 by the 1st respondent police under Sections 406,417, 498-A and 506(i) of IPC against the petitioners herein for quashing which this petition has been filed on the ground that the parties have arrived at a compromise among themselves.

3. The 2nd respondent/de facto complainant and the petitioners/A1 to A5 are present in court. A copy of memo of compromise dated 06.03.2016 has been filed. The 2nd respondent/de facto complainant Dr.V.Uthpala has filed an individual affidavit wherein in paragraphs 6 & 7 she stated as follows:-

"I submit that due to the advice of the elders and family friends they were able to sort out their marital discord and has come to the conclusion that they cannot live together peacefully and decided to go separate ways. The first petitioner and the second respondent had entered into a memorandum of understanding dated 06/03/2016 thereby they have agreed not to pursue any litigation under any civil or criminal court against each other and decided to file for divorce by mutual consent. Pursuant to that memorandum of understanding dated 06/03/2016 they filed a mutual consent petition in O.P. Number 995 of 2016 before the II Additional Family Court, Chennai. In that memorandum of understanding I have agreed that I will withdraw the criminal complaint in crime Number 24 of 2016 on the file of the first respondent. Since the Hon'ble II Additional Family Court was pleased to grant divorce by mutual consent in O.P.No.995 of 2016, I have not objection in quashing this criminal complaint, and also I have no objection for obtaining the passport deposited by the 1st petitioner before the XIII Metropolitan Magistrate Court at Egmore, Chennai and will have no objection for withdrawing the Look Out Circular (LOC) issued against the above petitioners.

7. I submit that in view of the memorandum of understanding dated 06.03.2015 and the fact that the first petitioner and myself had amicably resolved all the issues and this filed a petition seeking mutual consent there are no issues pending between the petitioners and myself. In such circumstances the petitioners have filed this petition to quash the criminal complaint in Crime No. 24 of 2016 on the file of the 1st respondent. Since the offences alleged in the complaint or of a non compoundable nature, I have filed this affidavit for NO OBJECTION to quash the criminal proceedings based on the memorandum of understanding dated 06/03/2016."

4. In view of the above, the criminal original petition is

allowed and the case in Crime No.24 of 2015 on the file of the 1st respondent - Inspector of Police, W-8, All Women Police Station, Thirumangalam, Chennai, is hereby quashed.

5. At this juncture, the learned counsel for the petitioner submitted that pursuant to the condition imposed by this court in CrI.O.P.No.23608 of 2015, the 1st petitioner surrendered his passport before the learned Magistrate concerned and therefore, he requested this court to pass appropriate order for the return of passport.

6. In view of the above, the learned XIII Metropolitan Magistrate, Egmore, Chennai is hereby directed to return the passport to the 1st petitioner on proper identification within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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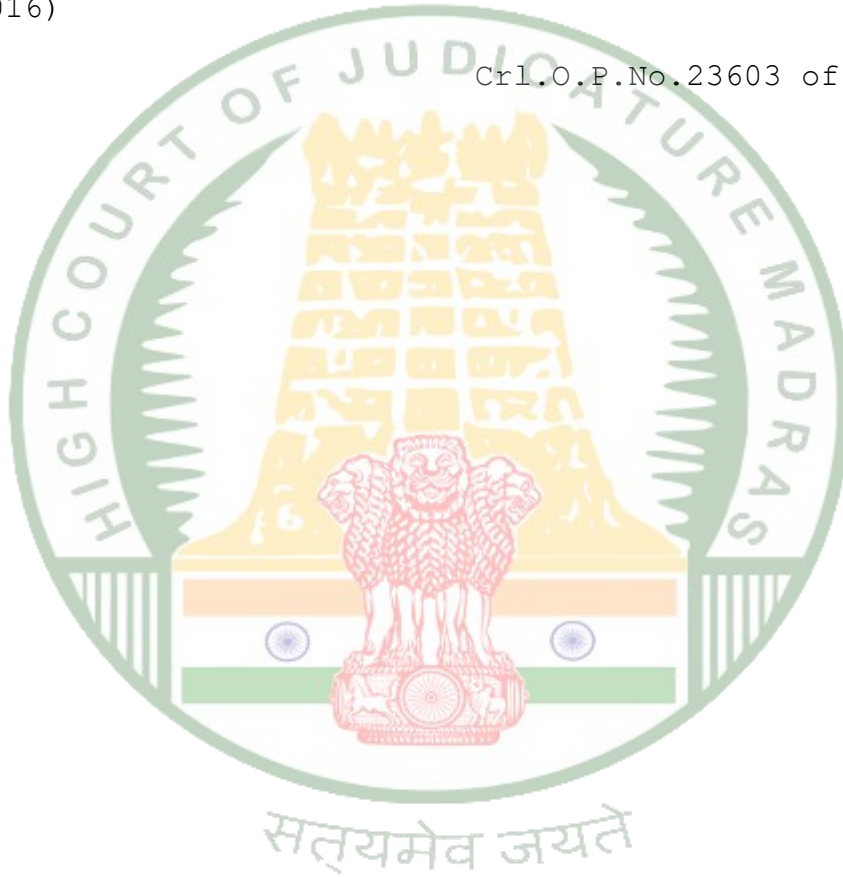
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- 1.The XIII Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police, Thirumangalam, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

+4cc to Mr.A. Saravanan, Advocate, S.R.No.61147 [08/11/2016]
+1cc to Mr.L. Baskaran, Advocate, S.R.No.61148

ctk(CO)
md(4/11/2016)

CrI.O.P.No.23603 of 2016



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