

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

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

Crl.O.P. No.24458 of 2016

- 1 S. Ganesh
- 2 N. Govindaswamy
- 3 Bharathi
- 4 S. Sudha
- 5 B. Srikumaran
- 6 D. Uma
- 7 Dhanasekaran

Petitioners / Accused
NO.1 TO 5 & 7 TO 8

vs.

- 1 The State
by the Inspector of Police
W1 All Women Police Station
St. Thomas Mount
Chennai 600 016

(R1 impleaded vide order dated 09.11.2016
passed in Crl.M.P. No.12012 of 2016)

- 2 R. Sangeetha

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records and quash the C.C. No.854 of 2012
on the file of the Judicial Magistrate Court, Alandur.

For petitioners : Ms. M. Sneha

For R1 : Mr. C. Emalias, Addl. Public
Prosecutor

For R2 : Ms. P.K. Shanthirubini

ORDER

This Criminal Original Petition has been filed seeking to call
for the records and quash the C.C. No.854 of 2012 on the file of
the Judicial Magistrate Court, Alandur.

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

3 On the complaint of one Sangeetha, the second respondent herein, the first respondent police registered a case in Cr. No.10 of 2011 on 21.07.2011 and after completing the investigation, filed a final report in C.C. No.854 of 2012 before the Judicial Magistrate Court, Alandur, for offences under Sections 498-A and 506 (I) IPC and 4 of the Dowry Prohibition Act against Ganesh and six others, challenging which, the accused are before this Court on the ground that they have arrived at a compromise with Sangeetha (de facto complainant).

4 Today, Ganesh (A1) and Sangeetha (de facto complainant) are present before this Court and they are identified by their respective counsel.

5 It is seen that Ganesh (A1) has filed H.M.O.P. No.482 of 2012 against Sangeetha (de facto complainant) before the Sub-Court, Tambaram, seeking divorce and during the pendency of the divorce proceedings, they have arrived at a compromise, pursuant to which, decree of divorce has also been passed on 20.06.2016. In the joint compromise memo dated 19.07.2016 filed by Ganesh (A1) and Sangeetha (de facto complainant), they have stated as follows:

"It is submitted that both the parties agree to withdraw the civil and criminal proceedings pending against each other and shall not file any such in future. The respondent undertakes to withdraw the complaint preferred by her in Cr.No.10 of 2011 on the file of All Women Police Station, St. Thomas Mount and agrees to give consent to quash the C.C. No.854/2012 on the file of the Hon'ble Judicial Magistrate, Alandur on the hearing before the Hon'ble High Court, Madras.

It is submitted that the respondent received the sum of Rs.50,000/- by way of cash and the petitioner undertake to pay the balance amount of Rs.3,50,000/- to the respondent by way of demand draft (D.D. No.324426-Indian Overseas Bank, Zamin Pallavaram Branch) on the appearance of the respondent before the Hon'ble High Court Madras for quash of C.C. No.854/2012."

6 Pursuant to the joint memo of compromise, the balance consideration of Rs.3,50,000/- has been handed over to Sangeetha (de facto complainant) in the open court today by way of demand draft bearing no.324574 dated 21.09.2016 drawn on Indian Overseas Bank, Zamin Pallavaram Branch.

7 In view of the above, the proceedings in C.C. No.854 of 2012 on the file of the Judicial Magistrate Court, Alandur, is quashed against all the accused, including those who have not approached this Court and this Criminal Original Petition is allowed.

cad

Sd/-

Assistant Registrar (CS II)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The Judicial Magistrate Court
Alandur
- 2 The Chief Judicial Magistrate,
Kancheepuram.
- 3 The Inspector of Police,
W1 All Women Police Station,
St. Thomas Mount,
Chennai 600 016.
- 4 The Public Prosecutor
Madras High Court
Chennai 600 104.

+1CC to MR.J.RAVINDRAN Advocate SR.NO.64751

Cr1.O.P. No.24458 of 2016

VGI

MK:26/12/2016

सत्यमेव जयते

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