

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.24553 of 2016

and Crl.M.P.No.11775 of 2016

Parimala

Petitioner

vs.

1.The State by
Inspector of Police
All Women Police Station
Thudiyalur, Coimbatore.

2.Vijayakumar

3.Leela

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records of the case pending for trial in C.C.No.46 of 2014 on the file of Additional Mahila Court, Coimbatore and quash the same as against the accused/respondent no.2 and 3.

For petitioner Ms.A.Kalai Selvi

For R1

Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition has been filed to call for the records of the case pending for trial in C.C.No.46 of 2014 on the file of Additional Mahila Court, Coimbatore and quash the same as against the accused/respondent no.2 and 3.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by the petitioner, the respondent police registered a case in Cr.No.38 of 2009 and after completing the investigation, has filed a Final Report in C.C.No.46 of 2014, which is pending on the file of the Additional Mahila Court, Coimbatore for offences u/s 498-A, 406, 506(ii) IPC and Section 4 of Dowry Prohibition Act against Vijayakumar and all his family members. While so, the petitioner has now come before this Court with the above prayer.

4. In the considered opinion of this Court, this petition ought not to have been numbered, because the de facto

complainant cannot seek quashment of the Final Report, unless it is contended that the parties have arrived at a compromise.

5. Ms.Kalai Selvi, learned counsel appearing for the petitioner submitted that the petitioner wants to rejoin Vijayakumar and does not want to seriously prosecute the case.

6. Learned Additional Public Prosecutor submitted that the petitioner was summoned by the trial Court and even before the trial Court, she appears to have stated that she want to rejoin her husband Vijayakumar, whereas her husband is not agreeing to it.

7. Be that as it may, the husband may have his own good reasons for not rejoining the petitioner and this Court cannot go into all these facts.

8. Taking into consideration the plea of the learned counsel for the petitioner, this Court is of the view that it will serve the interest of justice if the parties are directed to appear before the Mediation and Conciliation Centre. Accordingly this petition is dismissed. However, the trial Court is directed to refer the parties to the local mediation Centre or Legal Services Authority for mediation talks and the mediation proceedings should be completed within one month from the date of reference. If the mediation talks fail, the trial in C.C.No.46 of 2014 shall proceed in accordance with law. The trial Court shall not in any way be influenced by the outcome of the mediation proceedings and should independently asses the evidence on record in deciding the case. If the mediation succeeds, it is open to the parties to approach this Court for quashing the prosecution based on the judgment of the Supreme Court in Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466].

-s/d-
सतराज न जगते
Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

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To

1.The Inspector of Police
All Women Police Station
Thudiyalur, Coimbatore.

2.The Presiding Officer
Additional Mahila Court,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Samuel Raja Advocate sr 64693

Crl.O.P. No.24553 of 2016

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