

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HONOURABLE THIRU JUSTICE N. AUTHINATHAN

Crl.O.P.No.19588 of 2010

1.N. Rajaram
2.Mrs.R. Pushparani
Petitioners

...

vs

1. State rep by
The Inspector of Police,
W-28, All Women Police Station,
Ambattur,
Chennai - 600 053
(Cr.No.9/2005)

2. M. Shanmugapriya

..... Respondents

Criminal Original Petition filed under Sec.482 Cr.P.c to call for the records in C.C.No.338 of 2006 on the file of learned Judicial Magistrate No.II, Poonamallee and quash the proceedings against the petitioners/accused 5 and 6.

For Petitioners : Mr.S.D. Venkateswaran
For 1st respondent: Mr.B. Ramesh Babu
Govt. Advocate (Crl.Side)
For 2nd respondent : Served

सत्यमेव जयते

ORDER

The petitioner has filed the present petition to call for the records in C.C.No.338 of 2006 on the file of learned Judicial Magistrate No.II, Poonamallee and quash the proceedings against the petitioners/accused 5 and 6.

2. The petitioners are fifth and sixth accused in C.C.No.338 of 2006 on the file of Judicial Magistrate No.II, Poonamallee. M. Shanmugapriya, the second respondent is the defacto-complainant. There are six accused in the case. The first accused is the husband of the defacto-complainant; second and third accused are the parents of the first accused; the fourth accused is the brother of the first accused; the fifth

accused the husband of the sixth accused and the sixth accused is the sister-in-law of the defacto-complainant. It is a case under Sec.498-A and Sec.4 of Dowry Prohibition Act, 1961 read with Sec.34 of IPC.

3. The first four accused have approached this Court by way of Criminal Original Petition in Crl.O.P.No.7661 of 2008 to quash the proceedings in C.C.338 of 2006. The defacto-complainant/second respondent wife has filed an affidavit before this Court in the said Original Petition to the effect that they have amicably settled the outstanding issues among themselves. As far as accused Nos.1 to 4, are concerned, this Court, by Order dated 11.4.2008 quashed the criminal proceedings.

4. The defacto-complainant/wife filed a petition in O.P.No.1850 of 2010 on the file of Principal Family Court, Chennai for dissolution of her marriage with her husband/A.1. The husband and the wife filed a Joint Memo in the said case before the Principal Family Court, Chennai. The petitioners, in the petition, have stated that on the strength of the Joint Memo, the Family Court passed an order dated 11.08.2010 dissolving the marriage between the defacto-complainant and the first accused on the ground of desertion.

5. In the Joint Memo filed before the Family Court dated 11.08.2010, the defacto-complainant agreed to withdraw the proceedings in C.C.338 of 2006 as against the petitioners herein. The defacto-complainant has not turned up today for the hearing, even though her name has occurred in the cause list.

6. The materials on record would clearly show that the parties have settled the outstanding issues among themselves. As far as accused Nos.1 to 4 are concerned, , this Court, by Order dated 11.4.2008, has already quashed the criminal proceedings. No useful purpose would be served by continuing the criminal proceedings in C.C.338 of 2006 as against the petitioners. Therefore, I hold that the criminal proceedings as against the petitioners are liable to be quashed. Accordingly, they are quashed. The Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sr

To

1. Judicial Magistrate No.II, Poonamallee.

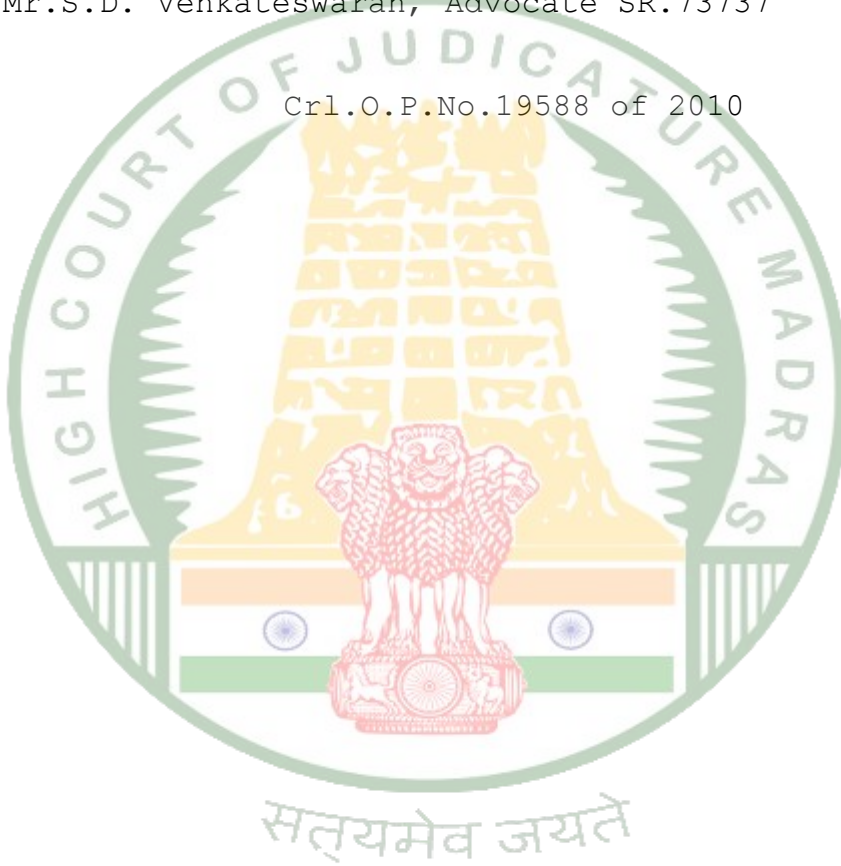
2. The Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai - 600 053.

3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.D. Venkateswaran, Advocate SR.73737

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