

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

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

Crl.O.P. No.29461 of 2012 & Crl.M.P. Nos.1 & 2 of 2012
and
Crl.O.P. No.21849 of 2016 & Crl.M.P. Nos.10119 and 10120 of 2016

1 P. Kripalakshmi
2 R. Lavanya Petitioners in Crl.O.P. No.29461 of 2012

vs.

The State
represented by the Sub Inspector of Police
All Women Police Station
Tirupattur
Vellore District Respondent in Crl.O.P. No.29461 of 2012

CRL.OP.No.21849/2016
R. Vasantha Kumar Petitioner in Crl.O.P. No.21849 of 2016

vs.

1 The State
represented by the Sub Inspector of Police
All Women Police Station
Tirupattur
Vellore District

2 C. Suvitha Respondents in Crl.O.P. No.21849 of 2016

Prayer in Crl.O.P. No.29461 of 2012:

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records and quash the charge sheet in C.C. No.105 of 2012 on the file of the Judicial Magistrate No.II at Tirupattur, so far as the petitioners/accused 2 & 3 are concerned.

Prayer in Crl.O.P. No.21849 of 2016:

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records and quash the charge sheet in C.C. No.105 of 2012 on the file of the Judicial Magistrate No.II

at Tirupattur, so far as the petitioner/first accused is concerned.

For petitioners in
Crl.O.P. No.29461 of 2012 Mr. G. Jayachandran

For petitioner in
Crl.O.P. No.21849 of 2016 Mr. N. Sankar

For State (Respondent)
in both Crl.O.Ps. Mr. C. Emalias
Addl. Public Prosecutor

For R2 in
Crl.O.P. No.21849 of 2016 Ms. C. Suvitha
Party-in-person

COMMON ORDER

While Crl.O.P. No.29461 of 2012 has been filed seeking to call for the records and quash the charge sheet in C.C. No.105 of 2012 on the file of the Judicial Magistrate No.II at Tirupattur, so far as the petitioners/accused 2 and 3 are concerned, Crl.O.P. No.21849 of 2016 has been filed seeking to call for the records and quash the very same charge sheet so far as the petitioner/first accused is concerned.

2 On the complaint lodged by one Suvitha, the respondent police registered a case in Crime No.6 of 2012 and after completing the investigation, filed a final report in C.C. No.105 of 2012 before the Judicial Magistrate No.II, Tirupattur for offences under Sections 498-A, 494, 294(b) and 506 (2) IPC against Vasantha Kumar (A1), Kripalakshmi (A2) and Lavanya (A3), challenging which, Kripalakshmi (A2) and Lavanya (A3) have filed Crl.O.P. No.29461 of 2012 and Vasantha Kumar (A1) has filed Crl.O.P. No.21849 of 2016, on the ground that they have arrived at a compromise with Suvitha, the de facto complainant.

3 Today, Vasantha Kumar (A1), Lavanya (A3) and Suvitha, defacto complainant, are present and they are identified by Ms. M. Usharani W.Gr.1, 2734, Thirupathur, All Women Police Station, who is also present before this Court.

4 Today, Suvitha has filed an affidavit, the relevant portion of which reads as under:

"3. I state that while the matter pending entered into compromise with the petitioner herein and totally received a sum of RS.10,00,000/- (Rs. Ten lakhs only) as compensation and the same was reduced into writing and deed of compromise was entered on 20.08.2014. I state that in view of the compromise, the charge sheet

in C.C. No.505 of 2012 on the file of the Judicial Magistrate II, may be quashed by this Hon'ble Court and I undertake to withdraw the suit pending in O.S. No.65/2012 on the file of the Sub-Court, Tirupathur and I will submit decree for the relief of declaration marriage of Ms. Kripa and the petitioner herein as valid.

I therefore pray that this affidavit may be taken on file by this Hon'ble Court and appropriate orders may be passed in terms of the compromise and this affidavit for reporting compromise and pass such further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice."

In view of the above, the prosecution in C.C. No.105 of 2012 on the file of the Judicial Magistrate Court No.II, Tirupattur, is quashed against all the accused, including those who have not approached this Court and accordingly, both the Criminal Original Petitions are allowed. Connected M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

1 The Sub Inspector of Police
All Women Police Station
Tirupattur, Vellore District

2 The Judicial Magistrate No.II
Tirupattur

3 The Public Prosecutor
Madras High Court, Chennai 600 104

+1cc to Mr.G. Jayachandran, Advocate, S.R.No.59880

sm (CO)
md (09/11/2016)

Cr1.O.P. No.29461 of 2012 & 21849 of 2016