

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

CRIMINAL O.P.No.6632 of 2016

1.Rajagopal
2.Venuougobalou
3.Banumathi
4.Priya
5.Nandagopal

... Petitioners

Vs.

1. The State represented by
Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai.

2. Baskar

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in Cr.No.907 of 2013
pending on the file of the 1st respondent and to quash the same.

For petitioners : Mr.M.Govindaraju

For 1st respondent : Mr.C.Emalias
Additional Public Prosecutor

For 2nd respondent : Mr.Stalin Abhimanyu

O R D E R

The petitioners 1 to 5, who are named as accused persons in the case in Crime No.907 of 2013, have filed this petition under section 482 of Cr.P.C., to quash the criminal proceedings in the case in Crime No.907 of 2013 pending investigation on the file of the first respondent police.

2. The second respondent is the de-facto complainant.

3. It is revealed from the records that based on the complaint lodged by the second respondent against the

petitioners, the first respondent has registered a case in Crime No.907 of 2013 on 7.6.2013 under sections 406 and 420 IPC.

4. In the said complaint, the second respondent being the father-in-law of the first petitioner has stated that taking advantage of vegetativeness of his wife and as she has been lying in coma stage for the past 5 years, the first petitioner had collected money requesting from his friends and relatives for his wife's treatment but in fact, he did not do so but he purchased lands on his relative's name.

5. On hearing this fact, the second respondent had lodged a complaint before the first respondent police and based on his complaint, as afore-stated, the case in Crime No.907 of 2013 has been registered under section 406 and 420 IPC.

6. Heard learned counsels, Mr.M.Govindaraju, appearing for the petitioners as well as Mr.Stalin Abhimanyu, appearing for the second respondent.

7. It is submitted by the learned counsel appearing for the second respondent/defacto complainant that since the first petitioner is the sister's son of the second respondent and the second respondent has given his elder daughter, Subhashree, in marriage to the first petitioner, the second respondent does not want to prosecute further and therefore, on the intervention of elderly people of their family and well wishers, they both have entered into a compromise and accordingly, they have settled their dispute.

8. Pursuant to the said compromise, the first petitioner has come forward to give a Demand Draft for a sum of Rs.10,00,000/- (Rupees ten laksh only) in the name of minor child/boy appointing the second respondent as a caretaker, and this amount will be deposited in any one of the nationalised banks as Fixed Deposit on an interest bearing scheme and such interest amount will be used for the maintenance of the minor child till he attains majority. The minor child, when he becomes major, he can utilise this entire money for his well being.

9. It is also stated that the first petitioner has also agreed to pay a sum of Rs.10,000/- (Rupees ten thousand only) per month towards maintenance of his wife through out her life time. The first petitioner has also further agreed that he will not raise any future claims on the properties purchased by the first petitioner at Pondicherry worth about Rs.25,00,000/- during his healthy married life with the second respondent's daughter.

10. It also appears that the first petitioner has filed a matrimonial proceedings in HMOP No.587 of 2016 on the file of the Principal Family Court, Chennai, on 2.12.2014 seeking the relief of divorce against his wife.

11. The petitioners as well as the second respondent who happen to be the close relatives with each other have come forward to settle their disputes amicably as the first petitioner has been living with no joy out of marital life for the past 7 years and also for the sake of the future of the minor child, who also needs a very cordial environment in his family, to bring him up as a bright young man in future.

12. The second respondent has also agreed to receive the above said amount by way of Demand Draft before the Principal Family Court, Chennai, where the matrimonial proceedings in HMOP No.587 of 2016 is pending and stands posted on 28.3.2016.

13. Keeping in view of the above fact, this Court finds that since the first petitioner and the defacto complainant who is the second respondent herein have come forward to settle the dispute amicably and since they have also settled their dispute as set out above, this Court finds that the criminal proceedings in Crime No.907 of 2013 may be quashed.

14. The learned Additional Public prosecutor appearing for the first respondent has also no objection in quashing the criminal proceedings in Crime No.907 of 2013 as the defacto complainant has come forward to settle the disputes with the petitioners/accused persons.

15. Having regard to the above related facts and circumstance of the case, this petition is allowed and the criminal proceedings in Crime No.907 of 2013 pending investigation on the file of the first respondent are quashed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

asvm

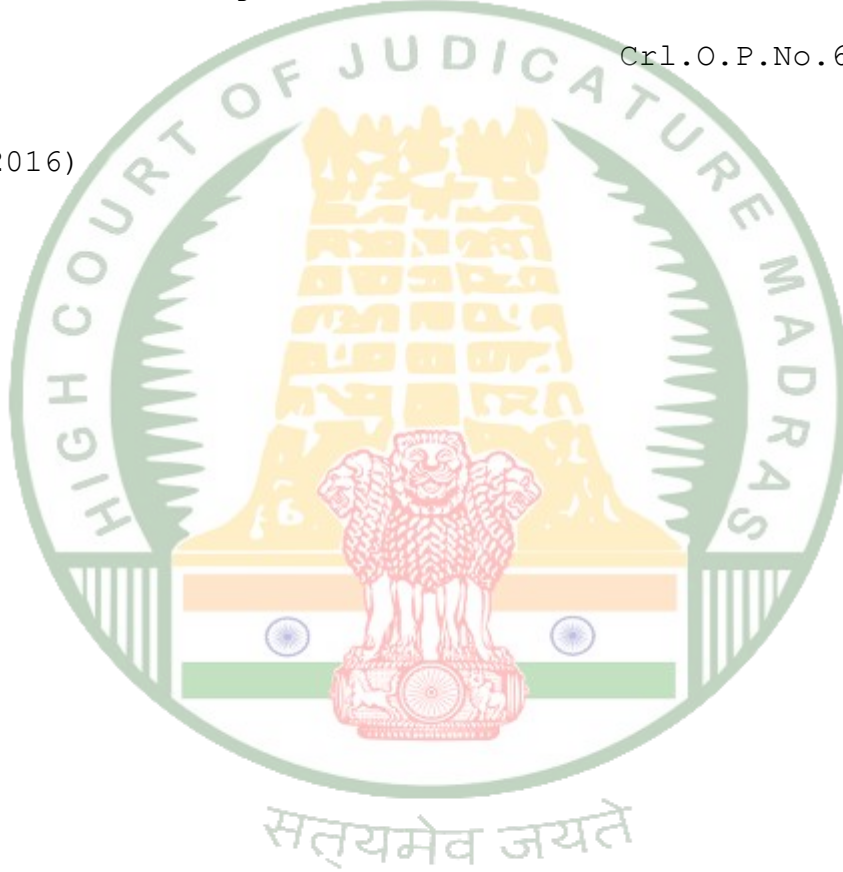
To

1. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Govindaraju, Advocate, S.R.No.18834

Cr1.O.P.No.6632 of 2016

KGK(CO)
CA(05/04/2016)



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