

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

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

Crl.O.P. No.9690 of 2016 & Crl.M.P. No.5007 of 2016

Edwin M. Hurtis

...Petitioner

vs.

1 State represented by  
the Inspector of Police  
W-33, All Women Police Station  
Madhavaram, Chennai  
FIR No.6 of 2014

2 Rekha

.... Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in charge sheet in C.C. No.16 of 2015 on the file of the Judicial Magistrate Court, Thiruvottriyur and quash the same.

For petitioner M/s. Royan Law Associates

For R1 Mr. C. Emalias  
Additional Public Prosecutor

For R2 Mr. T.N.C. Kaushik

ORDER

This Criminal Original Petition has been filed to call for the records in charge sheet in C.C. No.16 of 2015 on the file of the Judicial Magistrate Court, Thiruvottriyur and quash the same.

2 Rekha, the second respondent herein, got married to Edwin M.Hurtis on 06.10.1997 and they have one child through the wedlock. On account of matrimonial discord, the spouses got estranged. Pursuant to the complaint lodged by Rekha, the first respondent police registered a case in Crime No.06 of 2014 and after completing the investigation, have filed a final report in C.C. No.16 of 2015 before the Judicial Magistrate Court, Thiruvottriyur for offences under Sections 498-A and 506(I) IPC against Edwin M. Hurtis, challenging which, Edwin M. Hurtis has preferred the present Criminal Original Petition on the ground that he and Rekha have arrived at a compromise.

3 Today, both Edwin M. Hurtis and Rekha are present and are identified by Ms. A. Uma, WG1, W-33, A.W.P.S., Madhavaram, who is also present before this Court.

4 Both Edwin M. Hurtis and Rekha have filed a joint memo of compromise, wherein, they have stated as under:

"2 Thus, on a compromise entered between the petitioner as well as the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent has received by way of Demand Draft of Rs.5,00,000/- (Rupees Five Lakhs) to his minor child Noventa Joan Hurtis by way of demand draft drawn in name of the 2<sup>nd</sup> respondent herein drawn on Indian Bank, in DD No."449620" dated 28.10.2016 and Rs.10,00,000 (Rupees Ten Lakhs) to the 2<sup>nd</sup> respondent by way of demand draft drawn on Indian Bank in DD No."449612" dated 26.10.2016 being the half of the amount settled to her and to the minor daughter. The 2<sup>nd</sup> respondent has acknowledged the receipt of the above amount. The petitioner as well as the 2<sup>nd</sup> respondent have mutually agreed for dissolution of their marriage and filed O.P. No.4195/2016 before the Family Court, Chennai seeking resolution of their marriage.

3. In furtherance to the compromise entered between the petitioner and the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent having received the half of the amount agreed and pursuant to the filing of the original petition seeking dissolution of marriage between the petitioner and the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> respondent give up all the rights and undertake to this Hon'ble Court that no further proceedings will be initiated based on her complaint or C.C. No.16 of 2015 on the file of Judicial Magistrate, Thiruvottriyur. The 2<sup>nd</sup> petitioner has no objection for the entire criminal proceedings in C.C. No.16/2015 on the file of the Judicial Magistrate, Thiruvottriyur being quashed by this Hon'ble Court. Hence, this joint compromise memo, the 2<sup>nd</sup> respondent has also filed separate affidavit to this effect."

5 Besides, Rekha also has filed an individual affidavit dated 02.10.2016 consenting for quashment of the prosecution in C.C. No.16 of 2015 on the file of the Judicial Magistrate Court, Thiruvottriyur.

In view of the above, the prosecution in C.C. No.16 of 2015 on the file of the Judicial Magistrate Court, Thiruvottriyur, is quashed and this Criminal Original Petition is allowed on condition that Edwin M. Hurtis and Rekha pay a sum of Rs.5.000/- each as costs to the Tamil Nadu State Judicial Academy, Greenways Road, Chennai - 600 028, within a period of two weeks from the date of receipt of a copy of this order. Connected CrI.M.P. is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police  
W-33, All Women Police Station  
Madhavaram, Chennai
- 2 The Judicial Magistrate Court  
Thiruvottriyur  
Chennai
- 3 The Public Prosecutor  
High Court  
Madras.
- 4 The Tamil Nadu state  
Judicial Academy  
Greenways Road  
Chennai-600 028.

+1cc to M/S.T.N.C.Kaushik, Advocate Sr.62425  
+1cc to M/S.Rayan Law Associates, Sr.62423

CrI.O.P. No.9690 of 2016

vd[co]  
srg 02/12/2016