

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.412 of 2017

1.Jawahar Deen
2.Abdul Subhan
3.Saliha
4.Meera Mohideen ... Petitioners

Vs

1.The State, rep. By
The Inspector of Police,
All Women Police Station,
Kallakurichi,
Villupuram District.
2.Mujeeba ... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in Crime No.42 of 2016 on the
file of the respondent police and quash the same.

For Petitioners : Mr.S.V.Karthikeyan
For respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R1
Mr.G.Sivakumar,
for R2

ORDER

The present criminal original petition has been filed
to call for the records in Crime No.42 of 2016 pending on the
file of the respondent police and quash the same.

2. Today, when the matter was taken up for
consideration, the petitioners and the second respondent
appeared before this Court and their identities were got
verified. Further, the learned counsel appearing for the
petitioners and the learned counsel appearing for the second

respondent / de facto complainant represented that the dispute between the parties was amicably settled and the second respondent has also filed an affidavit to that effect, which reads as follows:-

" 1. I am the de facto complainant herein. I am filing this affidavit as such I am well acquainted with the facts of the case.

2. I state that the first petitioner is my husband and the 2nd and 3rd petitioners are my father in law and mother in law the 4th petitioner is the parental uncle of the 1st petitioner who has arranged my marriage. The marriage was solemnized on 10.7.2016. The 1st petitioner left me on 10.7.2016 itself. The marriage was not consummated. I came to understand that the 1st petitioner has gone to Australia as he has no interest to marry me.

3. I have lodged a complaint with the respondent police on 8.11.2016 and a case was registered in Crime No.42 of 2016 on the file of the respondent police for the offence under Sections 352, 498Am 506(i) and Section 4 of Prohibition of Harassment of Women Act, 2002.

4. I state that, we had an amicable settlement talk in presence of the family members and the relatives. Since we both are not willing for reunion, it was agreed by us for separation by way of mutual agreement of "KHULA" under personal law. The 1st petitioner has also accepted to give his consent for "KHULA". It was further agreed that the 1st petitioner has to pay a sum of Rs.10,00,000/- (Rupees ten lakhs only) as a permanent alimony of full and final settlement. Accordingly, the 1st petitioner has given a settlement amount by way of cheque No.005246 dated 2.1.2017 drawn on Canara Bank, Kallakurichi and cheque No.000045 dated 4.1.2017 City Union Bank, Kallakurichi.

5. It was further agreed that I shall not have any future claim as against the petitioners. It was also further agreed that the complaint initiated against the petitioners shall be withdrawn. It was also agreed that I shall not initiate any civil or criminal proceedings against the petitioners. Hence, in the above circumstances, the case in Cr.No.42 of 2016 is liable to be quashed.

6. I state that I have no objection in quashing the case in Cr.No.42 of 2016 on the file of the 1st respondent police as against all the accused 1 - 4 mentioned herein."

Thus, the learned counsel for the respective parties pleaded that recording the averments made in the affidavit filed by the second respondent, the criminal proceedings pending in Crime No.42 of 2016 may be quashed.

3. In view of the same, recording the averments made in the affidavit filed by the second respondent, the proceedings in Crime No.42 of 2016 pending on the file of the respondent police as against the petitioners are quashed and the criminal original petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The The Inspector of Police,
All Women Police Station,
Kallakurichi,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+3cc to Mr.S.V. Karthikeyan, Advocate, S.R.No.1356
+3cc to Mr.A. Ajimath Begam, Advocate, S.R.No.1357

rp (CO)
md(09/01/2017)

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