

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.3327 of 2017

1.C.Rajiv Gandhi
2.Rajeswari
3.Premalatha
4.Raguraman
5.Shanmugam

.... Petitioners

Vs

1.State by,
Inspector of Police,
All Women Police Station,
Chidambaram,
Crime No.05 of 2015

2.M.Meena Devi

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records related to the case in C.C.No.3 of 2016, on the file of the learned Judicial Magistrate Court No.I, Chidambaram and quash the charges framed against the petitioners/accused on 16.3.2016.

For Petitioners : Mr.K.M.Subramanian

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor for R1
Mr.R.Thamaraiselvan for R2
S.Venkatesamy

ORDER

The present criminal original petition has been filed to call for the records related to the case in C.C.No.3 of 2016, on the file of the learned Judicial Magistrate No.I, Chidambaram and quash the charges framed against the petitioners / accused on 16.3.2016.

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. 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 second respondent / de facto complainant in the above CrI.O.P herein as such am well acquainted with the facts and circumstances of the case.

2. I submit that I have given complaint before the first respondent police against the petitioners based on my complaint a case has been registered against the petitioners on the allegation that they had committed an offence U/s.498(A), 294(b), 506(i) IPC and thereby the case is pending trial before the Judicial Magistrate Court No.I, Chidambaram, in CC.No.5 of 2015.

3. I submit that the gist of the complaint is that I have given a complaint before the respondent police on the allegation that the second respondent and me were close relatives and I have married the first petitioner on 23.1.2013 and thereafter, the marriage all the petitioners has harassed and tortured me and demanded dowry and the first petitioner has harassed me with the help of the other petitioners and the first petitioner has threatened me with dire consequences that he will murder me against that I have given a complaint before the first respondent police based on the complaint an FIR has been registered against all the petitioners in Crime No.5 of 2015 on 22.2.2015 and the case is pending trial before the Judicial Magistrate Court No.I, Chidambaram, and the charges were framed for the offences U/s.498(A), 294(b), 506(i) I.P.C. on 16.3.2016.

4. I submit that the petitioners has settled the issue amicably as per the advise of the elders and family members in continuation with that, the petitioners has executed a compromise deed with me and my family members on 9.2.2017. I submit that the first petitioner has also undertaken to file mutual

consent divorce petition before the court concerned for dissolution of marriage. I submit that now based on the compromise deed, the petitioners has filed quash petition before this Hon'ble Court in CrI.O.P.No.3327 of 2017 to quash the case in C.C.No.3 of 2016 on the file of the learned Judicial Magistrate Court No.I, Chidambaram. I submit that I have no objection to quash the case in C.C.No.3 of 2016 on the file of the learned Judicial Magistrate Court No.I, Chidambaram as against the petitioners."

Thus, the learned counsel for the respective parties pleaded that recording the averments made in the affidavit filed by the second respondent, the proceedings pending in C.C.No.3 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 C.C.No.3 of 2016 pending on the file of the learned Judicial Magistrate No.I, Chidambaram. as against the petitioners are quashed and the criminal original petition is allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Inspector of Police,
All Women Police Station,
Chidambaram.

2.The Judicial Magistrate No.I,
Chidambaram

3.The Public Prosecutor,
High Court, Madras.

+2 CC to Mr.R.Thamaraiselvan, Advocate Sr.No.10615

CrI.O.P.No.3327 of 2017

SS(CO)
KP(01.03.2017)