

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

CrI.O.P. No. 841 of 2017

&

CrI.M.P. No. 628 of 2017

1. R. Mohanakrishnan
2. K. Rajendran
3. R. Giriya
4. R. Sharmila
5. Chandrasekar
6. Praveen Kumar
7. Andrew Robin Jayaseelan ..Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
W17, All Women Police Station,
Peravallur Chennai - 600 082.
2. Ms.R. Vaishnavi ..Respondents

Prayer: Petition under Section 482 Cr.P.C. to call for the records pertaining to S.C. No. 181 of 2016 in Crime No. 1 of 2015 on the file of the ***Sessions Mahila Court, High Court Campus** and to quash the same.

For Petitioners :: Mr.S. Yusuf for
M/s. Nathan and Associates

For Respondents (1)::Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition is filed to call for the records pertaining to S.C. No. 181 of 2016 in Crime No. 1 of 2015 on the file of ***Sessions Mahila Court, High Court Campus** and to quash the same.

2. The case of the petitioners is that on a complaint lodged by the 2nd respondent herein, a case was registered in Crime No. 1 of 2015 by the 1st respondent Police and on completing the investigation, the final report was filed in P.R.C. No. 21 of 2016 before the V Metropolitan Magistrate, Allikulam, Egmore, Chennai, against the petitioners herein for offences under Sections 376, 417 and 506(i) I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Subsequently, the parties had reached a compromise and on settlement of the issues between them, petitioners 1 to 4 herein filed an application before this Court in CrI.O.P. No. 18561 of 2015 to quash P.R.C. No. 21 of 2016 and this Court, by order dated 31.08.2016, allowed the said criminal original petition and quashed the prosecution against all the accused in P.R.C. No. 21 of 2016. However, in the meantime, the case came to be numbered as S.C. No. 181 of 2016 and the same is pending before ***Sessions Mahila Court, High Court Campus**. Hence, the present Criminal Original Petition seeking to quash the same.

3. Heard both sides.

4. This Court, while allowing CrI. O.P. No. 18561 of 2016, by order dated 31.08.2016, has observed, at paragraph No.10, as hereunder:

"10. Though the offences are serious in nature, yet, given the facts and circumstances of the case and the compromise arrived at amongst the parties and especially, the fact that Vaishnavi is a Woman Champion of our State in the National Level Swimming Competition and that her future should not be ruined, the prosecution against all the accused in P.R.C. No. 21 of 2016 including those who have not approached this Court, is quashed."

Since P.R.C. No. 21 of 2016 has itself been quashed by this Court, S.C. No. 181 of 2016 can no longer survive on the file of ***Sessions Mahila Court, High Court Campus** and the same is quashed. The Criminal Original Petition is ordered accordingly. Connected CrI.M.P. Is closed.

Sd/-
Assistant Registrar(CO)
Dated:8/2/2017

*Amended as per the order dated 03/03/2017 made in CrI M.P.No.3267 of 2017 in CrI O.P.No.841 of 2017

Sd/-
Assistant Registrar(CO)
Dated:6/3/2017

//True Copy//

Sub Assistant Registrar

nv
To

1. The Judge,
The ***Sessions Mahila Court, High Court Campus.** To be substituted the order already despatched on **22/02/2017**
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
W17 All Women Police Station,
Peravallur Chennai 600 082.
4. The Vth Metropolitan Magistrate,
Allikulam, Egmore, Chennai.

***+1cc to M/S.Nathan & Associates, Sr.14131**

CrI.O.P. No. 841 of 2017

SSI(CO)
Eu 08.2.17
srg 7/3/2017