

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.26128 of 2015

1.Saravanakumar

2.Sankarapandian

3.Jeyarani

4.Muthuselvi

5.Paramaguru ... Petitioners/Accused

Vs.

1. State rep by
Inspector of Police,
Cr.No.30/11
AWPS Muthurangam
Mudali Street, Abdul Razack Road,
Tambaram. ... Respondent/Complainant

2. P. Devi ... Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. Praying to call for records and to quash the C.C.No198 of 2012 pending on the file of the Court of Judicial Magistrate, Tambaram registered under sections 498A, 406 IPC read with section 4 of Tamilnadu Prohibition of Woman Harassment Act along with all the subsequent proceedings arising out of the same on the basis of compromise extend between the parties.

For Petitioners : Mrs.Auxilia Peter

For Respondent-1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For Respondent-2 : No appearance

ORDER

This petition is filed seeking to quash the the C.C.No198 of 2012 pending on the file of the Court of Judicial Magistrate, Tambaram along with all the subsequent proceedings arising out of the same on the basis of compromise extend

between the parties.

2. Joint Memo of Compromise dated 10.09.2015 was filed by the parties under order 23, rule 3 of the Civil Procedure Code. The dispute between the petitioners and the second respondent came to be resolved. One of the clauses in the said Joint Memo of Compromise dated 10.09.2015 was that the second respondent herein would take necessary steps to withdraw the complaint in C.C.No.198 of 2012 pending before the learned Judicial Magistrate, Tambaram. Though all the other clauses of the joint memo of compromise have been complied with, the second respondent/defacto complainant has not chosen to take steps to compound the offence in C.C.No.198 of 2012.

3. Though the name of the second respondent was printed in the cause list and notice has been served on her, none appears on behalf of the second respondent.

4. In my view since all the other clauses in Joint Memo of Compromise has been complied with, the present impugned proceedings also deserves to be quashed.

5. In the result, the Criminal Original Petition stands allowed. The present C.C.No. 198 of 2012 on the file of the learned Judicial Magistrate, Tambaram is quashed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

- 1.The Inspector of Police,
AWPS Muthurangam
Mudali Street, Abdul Razack Road,
Tambaram.
- 2.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mrs.Auxilia Peter , Advocate sr 76980.

Cr1.O.P.No.26128 of 2015

SP(22/11/2017)