

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.31477 of 2012

and

MP.Nos.1 and 2 of 2012

1.R.S.Jayalatha
2.Srikanth
3.Sudha
4.Balamurali

.. Petitioners/ A6 to A9

Vs

1. The Inspector of Police,
Vellore All Women Police Station,
Vellore District.

2. D.Nithya .. Respondents/Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to call for records in CC No.110 of 2010 on the file of the IV Judicial Magistrate, Vellore and quash the same.

For Petitioners : Mr.N.Anand Venkatesh
For R1 : Mr.C.Emalias, APP
For R2 : Mr.I.Jenkins William

ORDER

This petition has been filed to call for the records pertaining to FIR in CC No.110 of 2010 on the file of the learned Judicial Magistrate No.IV, Vellore and quash the same.

2. It is the case of the petitioners that the second respondent/ defacto complainant by name D.Nithya, has lodged a complaint against 9 persons and the same was registered as FIR in Crime No.24 of 2009 on the file of the first respondent. Subsequently, after completion of investigation, charge sheet was filed before the learned Judicial Magistrate No.IV, Vellore and the same was taken on file as CC No.260 of 2009. Since the petitioners, who have been arrayed as A6 to A9, did not attend the hearing, the case against them was split up and was renumbered as CC No.110 of 2010, which is pending. While so, the second respondent had entered into a settlement with all the accused. In view of the same, CC No.260/2009 ended in acquittal by judgment dated 15.09.2010. Therefore, the petitioners are

before this Court with the present petition praying to quash the criminal proceedings pending against them by extending the same benefit given to the co-accused.

3. Today, when the matter came up for hearing, learned counsel for the second respondent submitted that in view of the settlement arrived at between the parties, the second respondent obtained divorce and thereafter, she got remarried and is living peacefully. Therefore, she has no objection in quashing the proceedings pending against the petitioners herein. An affidavit dated 18.03.2015 has also been filed by the second respondent to that effect.

4. In view of the above, this Criminal Original Petition is allowed by quashing the criminal proceedings in CC No.110 of 2010 pending on the file of the learned Judicial Magistrate No.IV, Vellore, against the petitioners herein. The counter affidavit dated 18.03.2015 filed by the second respondent is taken on record. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.IV, Vellore.
 2. The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
 3. The Public Prosecutor, High Court,
Madras - 104.
- +1 CC to Mr. N. Anand Venkatesh, Advocate sr 9560

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