

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.01.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.27044 of 2016

1.Vadivel

2.Venkatesan @ Samu

... Petitioners

Vs.

1.The Inspector of Police,
Uthangarai Police Station
Krishnagiri District.
(Crime No.581/13)

2.Punitha

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to call for the records relating to the case in SC No.169 of 2016 on the file of the Fast Track Mahila Court, Krishnagiri District and quash the same in so far as it relates to the petitioners are concerned.

For Petitioners :Mr.K.Govi Ganesan
For R1 :Mr.C.Emalias, APP

ORDER

This petition has been filed to call for the records relating to SC No.169 of 2016 on the file of the Fast Track Mahila Court, Krishnagiri District and quash the same.

2. The case of the petitioners is that on the basis of the complaint lodged by one Mahalakshmi, Hostel Warden of Sri Vidya Mandir Higher Secondary School, Uthangarai, a case in Cr.No.581/2013 was registered against the petitioners for the offence punishable under Section 363 IPC. After completion of investigation, charge sheet was filed before the learned Judicial Magistrate, Uthangarai and the same was taken on file as PRC No.4/2015 for the alleged offences under section 366(A) IPC r/w Section 109 IPC. Subsequently, the said case was committed to the Fast Track Mahila Court, Krishnagiri and was taken on file as SC No.169/2016 and the same is pending, against which, the petitioners are before this Court with the present petition.

3. Today, both the petitioners and the second respondent along with the learned counsel for the petitioners are present before this Court. They have submitted that the dispute between them, was amicably settled among themselves. When this Court also enquired the parties particularly, the second respondent/defacto complainant about the compromise, they admitted the same.

4. The second respondent / defacto complainant by name Punitha, has filed an affidavit dated 29.11.2016 to that effect, wherein, it has been stated as follows:

"1.I am the second respondent herein and I know the facts stated hereunder.

2.I state that myself and the first petitioner got married on 31.05.2015 and leading the matrimonial home at the above stated address. Out of the wedlock, a female child was also born to us on 11.11.2016.

3.I state that the petitioner herein did not kidnap me as alleged and I only voluntarily accompanied them as I was in love with the first petitioner herein.

4.I state that I do not have any objections for quashing the case in SC No.169/2016 on the file of the Fast Track Mahila Court, Krishnagiri, as we have married and leading the matrimonial life happily."

5. Learned Additional Public Prosecutor has no serious objection in quashing the criminal proceedings pending against the petitioners herein.

6. In view of the above, this Criminal Original Petition is allowed and the criminal proceedings in SC No.169 of 2016 pending on the file of the Fast Track Mahila Court, Krishnagiri is quashed, insofar as the petitioners herein are concerned. The affidavit of the second respondent Punitha filed on 09.12.2016, is taken on record.

*The Xerox copy of Affidavit filed by Punitha is enclosed

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rk

To

1.The Judge,
Fast Track Mahila Court, Krishnagiri.

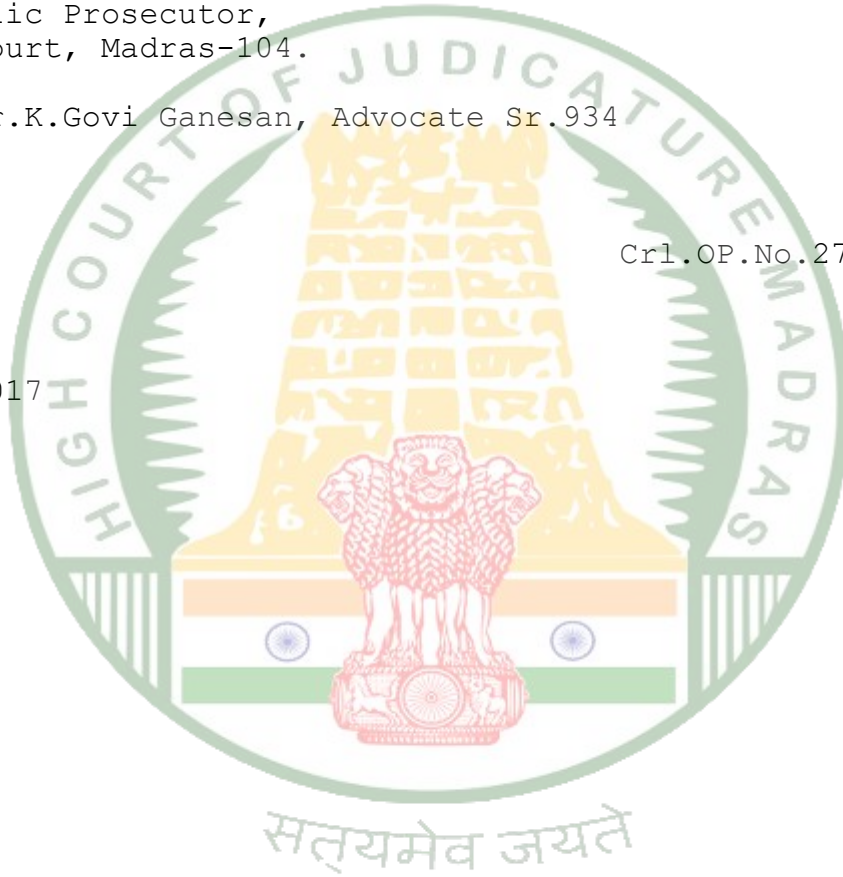
2.The Inspector of Police,
Uthangarai Police Station
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras-104.

+lcc to Mr.K.Govi Ganesan, Advocate Sr.934

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srg 6/2/2017



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