



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.13960 of 2016

and

Crl.M.P.(MD)Nos.6516 and 6517 of 2016

WEB COPY

1.Pitchaimuthu
2.Seetha Lakshmi
3.R.Mahalakshmi

: Petitioners/Respondents.

-Vs-

1.State rep. by,
The Inspector of Police,
All Women Police Station,
Thiruvarambur,
Trichy District.
(Crime No.2 of 2016).

:1st Respondent/Complainant.

2.P.Kavitha

:2nd Respondent/Defacto Complainant.

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the complaint in C.C.No.42 of 2016 on the file of the Additional Mahila Court (Judicial Magistrate), Trichy and quash the same as illegal.

For Petitioners : Mr.T.Lenin Kumar

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.D.Venkatesh

O R D E R

Kavitha got married to Pitchaimuthu on 17.01.2010 and their marriage ran into rough weather. These spouses got estranged. On the complaint lodged by Kavitha, the first respondent police registered a case in Crime No.2 of 2016 and after completing the investigation, have filed a charge sheet in C.C.No.42 of 2016 before the Additional Mahila Court (Judicial Magistrate), Trichy against Pitchaimuthu and two others for offences under Sections 498(A) and 406 of the Indian Penal Code, for quashing which, the defacto complainant and the accused have filed the present quash application on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, Mrs.S.Anu, W.Gr-I, Thiruverambur All Women Police Station, Trichy District, is present. The defacto complainant-Kavitha and the first petitioner-Pitchaimuthu are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mrs.S.Anu, W.Gr-I, Thiruverambur All Women Police Station, Trichy District.



3. Kavitha has filed an affidavit dated 26.06.2017, wherein, it is stated as follows:

"4. I submit that at this juncture, I voluntarily approached the 1st petitioner and had a talk. Out of which, both I myself and the 1st petitioner decided to live peacefully minding the welfare of our child. At present both myself and the 1st petitioner are living jointly happily without any dispute. Hence, I decided to withdraw the above case. Since I myself decided to withdraw the above case, I file this affidavit along with joint compromise memo to quash the charge sheet.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to accept this affidavit and quash the charge sheet in C.C.No.42 of 2016 on the file of the Additional Mahila Court (Judicial Magistrate), Trichy and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

4. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in C.C.No.42 of 2016 on the file of the Additional Mahila Court (Judicial Magistrate), Trichy, in respect of all the accused including those who are not before this Court are hereby quashed. The affidavit of Kavitha dated 26.06.2017 as well as the joint compromise memo dated 26.06.2017 shall form part of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

Herewith xerox enclosed the Affidavit of R2 and Memo of Compromise.

To

- 1.The Additional Mahila Court(Judicial Magistrate), Trichy.
 2. -do- Thro' Chief Judicial Magistrate, Trichy.
 - 3.The Inspector of Police, All Women Police Station, Thiruvarambur, Trichy District.
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +2CC to M/S.T.Lenin Kumar, Advocate, SR.No. 62748

Order made in
CRL.O.P.(MD)No.13960 of 2016

Dated: 29.06.2017