

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.10.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.11625 of 2016 &
CrI.M.P. No.5936 of 2016

Dr. Juliet Jayashree Rani

..Petitioner

vs.

1 The Inspector of Police
Velipalayam Police Station
Nagapattinam
(Cr. No.377 of 2011)

2 Major John McDonald Sherry ..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in S.T.C. No.166 of 2015 on the file of the Judicial Magistrate Court No.II, Nagapattinam and quash the same as an abuse of process of law, as far as the petitioner is concerned.

For Petitioner :Mr.K.V.Sridharan

For R1 :Mrs.M.Prabhavathy
Addl. Public Prosecutor

For R2 :Mr.K.P.Anantha Krishna

ORDER

This Criminal Original Petition has been filed seeking to call for the records in S.T.C. No.166 of 2015 on the file of the Judicial Magistrate Court No.II, Nagapattinam and quash the same as an abuse of process of law, as far as the petitioner is concerned.

2 On the complaint lodged by Major John McDonald Sherry, the second respondent herein, the first respondent police registered a case in Cr. No.377 of 2011 and after completing the investigation, filed a final report in S.T.C. No.166 of 2015 before the Judicial Magistrate No.II, Nagapattinam, for an offence under Section 294(b) IPC against Shankara Narayanan (A1) and Dr. Juliet Jayashree Rani (petitioner/A2), for quashing which, this Criminal Original Petition has been filed by Dr. Juliet Jayashree Rani (A2) on the ground that the parties have arrived at a compromise.

3 Major John McDonald Sherry, the second respondent/de facto complainant and Dr. Juliet Jayashree Rani (A2) were present before this Court on 23.10.2018.

4 The de facto complainant has filed an affidavit dated 23.10.2018, wherein, he has stated as under:

"4. I humbly submit that by virtue of an amicable settlement and to the fact that I decided to drop further proceedings in the above case as the matter is amicably settled between us.

5. I most humbly submit that because of the above said reason, I have agreed voluntarily come to this Court and give my wilful consent to quash the case.

6. In the said circumstances, this Hon'ble Court may be pleased to call for the records and quash the same and thus render justice."

In view of the above, the proceedings in S.T.C. No.166 of 2015 on the file of the Judicial Magistrate Court No.II, Nagapattinam, is quashed as against Dr. Juliet Jayashree Rani (A2/petitioner herein) and Shankara Narayanan (A1) as well (though he is not before this Court) and as a sequel, this Criminal Original Petition is allowed on condition that Dr. Juliet Jayashree Rani, the petitioner herein, pays a sum of Rs.1,000/- as costs to the credit of the Chief Justice Relief Fund [payable in Accounts Section of the High Court Registry], within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt, along with a memo reporting compliance in the Registry. Connected Crl.M.P. is closed.

Gms

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police
Velipalayam Police Station
Nagapattinam
- 2 The Judicial Magistrate Court No.II
Nagapattinam
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

4. The Section Officer, Accounts Sec. High Court, Madras.

5. The Section Officer, Criminal Sec. High Court, Madras.

+1cc to Mr.K.V.Sridharan, Advocate S.R.No.73182

+2ccs to Mr.K.P.Anantha Krishna, Advocate S.R.No.72829

KR/8/11/18

CrI.O.P. No.11625 of 2016



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