

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2018

CORAM:

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

Crl.O.P. No.703 of 2017 & Crl.M.P. Nos.494 and 495 of 2017

1 Sri Ramasubramaniam

2 Nagabhushanam

3 Simon Petitioners/Accused
Vs.

1 State represented by
the Inspector of Police
W-25, All Women Police Station
T. Nagar
Chennai 600 017 1st Respondent/Complainant

2 B. Nirmal 2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482
Cr.P.C., seeking to quash the proceedings in C.C. No.3095
of 2016 pending on the file of the Additional Mahila
Court, Lilly Pond, Chennai.

For petitioners Mr. K. Balasubramaniam
For R1 Mr. C. Iyyappa Raj
Additional Public Prosecutor

For R2 Mr. R.S. Mohan

ORDER

This Criminal Original Petition has been filed
seeking to quash the proceedings in C.C. No.3095 of 2016,
now pending on the file of the XVII Metropolitan
Magistrate Court, Saidapet, Chennai.

2 On the complaint lodged by Nirmala, the
second respondent herein, the first respondent police
registered a case in Cr. No.3 of 2015 and after completing
the investigation, have filed a charge sheet in C.C.
No.3095 of 2016, which now stands trial before the XVII
Metropolitan Magistrate, Saidapet, Chennai, for the
offences under Sections 498-A, 417 and 323 IPC against the
petitioners herein, for quashing which, this Criminal
Original Petition has been preferred.

3 During the pendency of this quash application, it appears that Sri Ramasubramaniam (A1) and Nirmala (de facto complainant/second respondent) have entered into a Memorandum of Compromise on 09.01.2018 in the divorce proceedings in O.P. No.4116 of 2016 before the III Additional Family Court, Chennai, in terms of which, Nirmala has agreed to give consent for quashing the prosecution in C.C.No.3095 of 2016 as she has received Rs.2,60,000/- as full and final settlement from her husband. That apart, pursuant to the settlement, the III Additional Family Court, Chennai, has granted divorce in O.P. No.4116 of 2016 on 10.02.2018. It may be apposite to extract paragraph no.11 of the order dated 10.02.2018 passed in O.P. No.4116 of 2016 by the III Additional Family Court, Chennai:

"11. Initially, the respondent filed his side counter by objecting the relief prayed by the petitioner. Hence, this case is posted for recording evidence. Both the parties ready and willing to settle the issue amicably. The case is referred to Lok Adalat for mediation. Accordingly, parties are agreed to settle the dispute and also executed joint compromise memo dated 9.1.2018 with condition. After receiving the report received from the Lok Adalat, the parties appeared before this Court and filed the proof affidavit and the petitioner/wife examined as PW1 and marked Ex.P1 to P6. Ex.P1 is the marriage invitation, Ex.P.2 is the marriage photo, Ex.P.3 is the copy of Family Card of petitioner, Ex.P.4 is the Copy of Aadhar Card of petitioner, Ex.P.5 is the copy of FIR and Ex.P.6 is the copy of legal notice with AD and the respondent/husband examined as RW1 and no documents were marked on the side of RW1. And the joint compromise memo also marked as Ex.C.1. As per terms and conditions of the joint compromise memo, the petitioner/wife agreed to receive Rs.2,60,000/- as life time settlement from the respondent/husband. The respondent also paid the said amount of Rs.2,60,000/- before this Court on 09.01.2018 to the petitioner. Hence, the petitioner prayed this Court to pass appropriate orders.

12 Therefore, this Court comes to conclusion that, the petitioner is entitled for relief as prayed for on the terms and conditions of joint compromise memo dated 09.01.2018 and the same is form part of the decree and answering the point accordingly.

In the result, this O.P. is allowed and by declaring the marriage solemnized between the petitioner and the respondent on 31.08.2014 as nullity on the terms and conditions of joint compromise memo dated 09.01.2018 and no costs."

4 Further, paragraph no.4 of the Memorandum of Compromise dated 09.01.2018 entered into between Sri Ramasubramaniam and Nirmala reads as under:

"4. The petitioner agrees to withdraw and not to press the criminal case filed against the respondent bearing C.C. No.3095 of 2016 pending on the file of the XVII Metropolitan Magistrate, Saidapet, at Chennai. The petitioner also agrees to give consent in quashing the C.C. No.3095/2016. Pending before the Hon'ble High Court in Crl.O.P. No.703/2016."

In view of the above, the proceedings in C.C. No.3095 of 2016 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai, is quashed against all the accused and as a sequel, this Criminal Original Petition is allowed on condition that the petitioners pay a sum of Rs.1,000/- each (Rs.1,000 x 3 = Rs.3,000/-) 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.Ps. are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Inspector of Police
W-25, All Women Police Station
T. Nagar
Chennai 600 017
- 2 The XVII Metropolitan Magistrate
Saidapet
Chennai

3.The additional mahila Judge,
Jilly Road, chennai

4 The III Additional family Judge
Chennai.

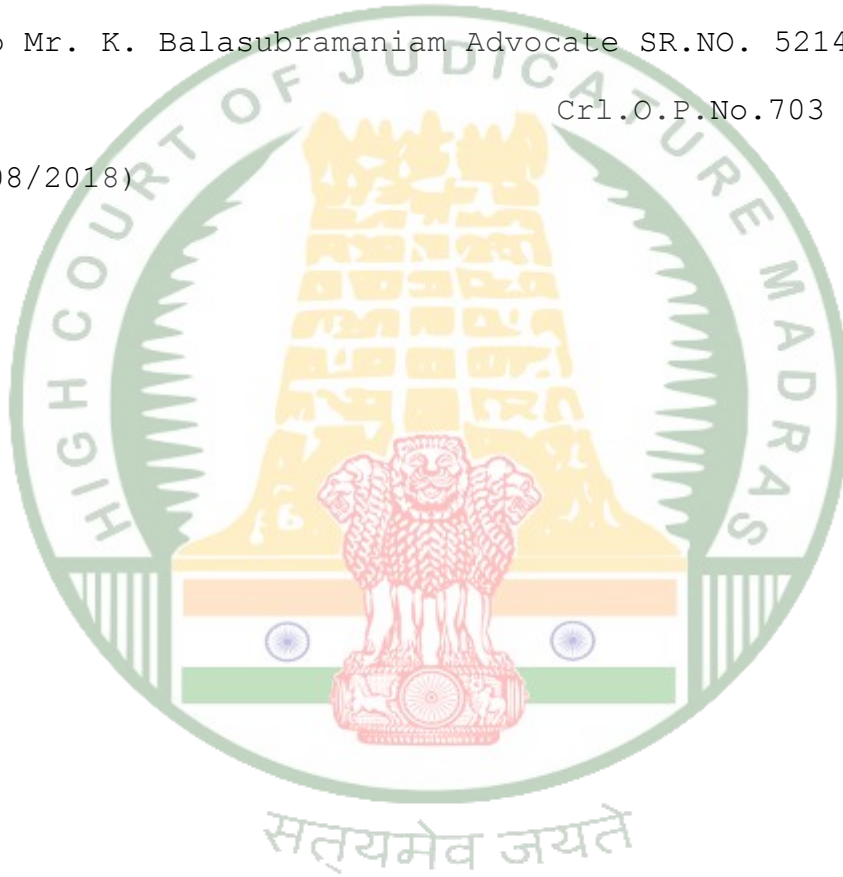
5. The Section Officer
Accounts Section
High Court of Madras
Chennai 600 104

6 The Public Prosecutor
High Court, Madras
Chennai 600 104

+1 cc to Mr. K. Balasubramaniam Advocate SR.NO. 52140

Crl.O.P.No.703 of 2017

BR(CO)
ASK(16/08/2018)



WEB COPY