

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2018

CORAM:

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

Crl.O.P. Nos.19260 of 2013 and 17363 of 2017
&
Crl.M.P. Nos.10620 & 10621 of 2017 and M.P. No.1 of 2013

Narayanaswamy
Jhothi
Lakshmi

Petitioners /Accused in Crl.O.P. No.19260 of 2013

Ganesh
Kamalakannan
Prasanna

Petitioners in Crl.O.P. No.17363 of 2017

vs.

- 1 State represented by
the Inspector of Police
All Women Police Station
Ranipet, Vellore
(Cr. No.36 of 2012)1st Respondent//Complainant
- 2 Naveena
....2nd Respondent/defecto/Complainant
in both Crl.O.Ps.

Criminal Original Petitions filed under Section 482 Cr.P.C.
seeking to call for the records relating to the criminal case in
C.C. No.15 of 2013 on the file of the District Munsif-cum-
Judicial Magistrate, Ranipet, Vellore and quash the same by
allowing this Criminal Original Petition.

For petitioners
in both Crl.O.Ps. Mr.C.V. Kumar

For R1 Mr. C. Raghavan
in both Crl.O.Ps. Govt. Advocate (Crl.Side)

For R2 Mr. Shankar
in both Crl.O.Ps.

COMMON ORDER

These Criminal Original Petitions have been filed seeking to call for the records relating to the criminal case in C.C. No.15 of 2013 on the file of the District Munsif-cum-Judicial Magistrate Court, Ranipet, Vellore and quash the same.

2 For the sake of convenience, the parties are referred to by their name.

3 Naveena (de facto complainant) got married to Ganesh (A1) on 17.10.2011 and they have one child through the wedlock. On account of matrimonial discord, they got estranged. On the complaint lodged by Naveena, the first respondent police registered a case in Cr. No.36 of 2012 before the District Munsif-cum-Judicial Magistrate Court, Ranipet, Vellore for the offences under Sections 294(b), 498-A and 506(1) IPC against the petitioners herein, for quashing which, these Criminal Original Petitions have been preferred on the ground that the parties have arrived at a compromise.

4 Today, all the six accused and Naveena are present before this Court and are identified by Mrs. M. Vijayalakshmi, WHC 2426, Ranipet, A.W.P.S.

5 Today, Naveena has filed an affidavit, wherein, she has stated as follows:

"I state that I preferred a complaint against the petitioners along with my husband and other persons which is pending trial in C.C. No.15 of 2013 before the District Munsif, Ranipet, for an offence u/s 498-A IPC and the 1st petitioner has also filed divorce proceedings against me in H.M.O.P. No.111 of 2012 and the same is pending before the District Munsif, Ranipet.

I further state that I and the petitioner have compromised amicably and resolved the dispute by compromising and I have no objection for quashing the proceedings in the above case and a sum of Rs.6,00,000/- has been arrived as full and final settlement and since I have already received Rs.1,00,000 by making endorsement in HMOP No.111 of 2012 and today, I received Rs.5,00,000/- as cash for full and final settlement for me and for my child also and I and my child will not claim any future alimony or maintenance or share in the property of the petitioner and I also consent for a decree of consent divorce before the District Munsif, Ranipet for mutual

consent against my husband Ganesh and I undertake that I will not deviate from my promise made in the affidavit."

6 Apart from the above, Naveena and Ganesh have also filed a joint memo of compromise today, the relevant portion of which reads thus:

"1(b) Both parties hereby agree that both will not interfere each others life and the 2nd respondent will not claim any future maintenance either for herself nor for her child and both will not have any future relationship and the 2nd respondent has no objection for the first petitioner for remarriage and there will be no more litigation either civil or criminal between them and the 2nd respondent do not want to further proceeds in the above matter."

In view of the above, these Criminal Original Petitions are allowed and the proceedings in C.C. No.15 of 2013 on the file of the District Munsif Court, Ranipet, is quashed as against all the accused, on condition that each of the accused pays a sum of Rs.1,000/- (Rs.1,000 x 6 = Rs.6,000/-) 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(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police
All Women Police Station
Ranipet, Vellore
- 2 The District Munsif-cum-Judicial Magistrate
Ranipet
Vellore
- 3.-do-the Chief Judicial Magistrate Vellore
- 4.The Section Officer,
Account Section,
High Court, Madras

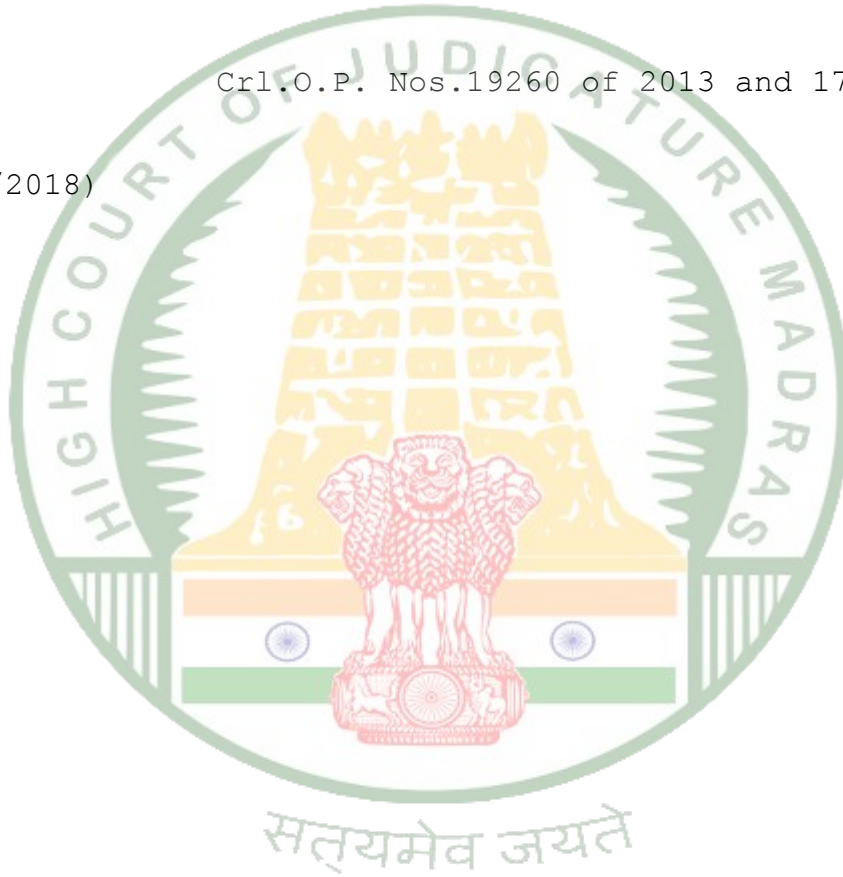
5.The Section Officer,
Criminal Section,
High Court, Madras
(To Receive the memo of reporting
compliance and necessary action)

6. The Public Prosecutor
High Court of Madras
Chennai 600 104

+4cc to Mr.C.V.Kumar, Advocate, S.R.No.75516 (26/11/2018)

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GSP (01/11/2018)



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