

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20176 of 2018

1. Sadique Basha
2. Shaik Kani
3. Hameedhunnisha
4. Farooq Basha
5. Saleem Basha
6. Sharmila

... Petitioners

Vs

- 1.B.Rehana Begam
- 2.State by
The Inspector of Police
All Women Police Station,
Kallakurichi
Villupuram District
(Crime No.2 of 2013)

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the impugned charge sheet in C.C.No.444 of 2017 on the file of the learned Judicial Magistrate No.1, Kallakurichi, Villupuram District and quash the same.

For Petitioner : Mr.R.Prabudoss
For Respondents : Mr.M.Prabhavathi, APP

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the impugned charge sheet in C.C.No.444 of 2017 on the file of the learned Judicial Magistrate No.1, Kallakurichi, Villupuram District and quash the same.

2.It is the case of the petitioner that on the complaint lodged by the first respondent, the second respondent has registered a case in Crime No.2 of 2013 and after completing the investigation, has filed a charge sheet in C.C.No.444 of 2017, before the Judicial Magistrate I, Kallakurichi, Villupuram District, for the offence under Sections 498(A), 294(b) and 506 (i) IPC r/w. Section 4 of Dowry Prohibition Act against the

petitioners, for quashing which, the petition has been filed on the ground that the parties entered at compromise.

3.Today, all the petitioners and the first respondent are present and they are identified by the Police. The first respondent/de facto complainant has filed an affidavit, wherein, at paragraph Nos.4 to 6, she has stated as under:

"4. I submit that while it being so, there was harassment met out by me at the hands of the petitioners. Therefore I have lodged a complaint before the 2nd respondent police and they have also registered a case against them for the offence under Sec.498 (A), 294(b) & 506(i) of IPC.

5. I submit that now the 1st petitioner and myself have joined together and living as husband and wife in the above said address in my parents house. I have no objection to quash the above said charge sheet, since we are living as husband and wife and I don't want to punish my husband and in-laws.

6. I submit that myself and the petitioners entered a compromise without any force or undue influence; but on my own accord. I have no objection to quash the charge sheet.

I therefore pray that this Hon'ble Court may be pleased to record this affidavit and this may be treated as part and parcel of the quash petition, consequently quash the charge sheet in C.C.No.444 of 2017 on the file of learned Judicial Magistrate No.1, Kallakurichi, Villupuram District and thus render justice."

4. In view of the above, the proceedings in C.C.No.444 of 2017 on the file of the learned Judicial Magistrate No.1, Kallakurichi, Villupuram District, is quashed in respect of all the accused, on condition that the petitioners pay a sum of Rs.1,000/- each 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.

In fine, these Criminal Original Petitions are allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
All Women Police Station,
Kallakurichi
Villupuram District
2. The Judicial Magistrate No.1,
Kallakurichi, Villupuram District
3. The Public Prosecutor
High Court of Madras
Chennai 600 104
4. The Section Officer
Accounts Section
High Court of Madras
Chennai 600 104

+1cc to Mr.C.Santhosh kumar, Advocate Sr.46550

CRL.O.P.No.20176 of 2018

srg 30/08/2018

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