

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10365 of 2018

and

Crl.M.P.Nos.5313 & 5314 of 2018

Karthik

...

Petitioner

Vs

1. State rep by

The Sub-Inspector of Police,
Kovai Town All Women Police Station,
East,
Coimbatore District.

2. Gayathri Gnaneswari

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the proceedings in C.C.NO.38 of 2015, pending on the file of Judicial Magistrate (Addl. Mahila Court), Coimbatore and quash the same.

For Petitioner :Mr.K.Gangadaran

For Respondents :Ms.P.Kritika Kamal,
Government Advocate (Crl.Side) for R1
:No Appearance for R2

ORDER

This petition has been filed to call for the records pertaining to the proceedings in C.C.NO.38 of 2015, pending on the file of Judicial Magistrate (Addl. Mahila Court), Coimbatore.

2. On the complaint lodged by Gayathri, the respondent police registered an F.I.R in Crime No.6 of 2015 on 03.02.2015 and after completing the investigation, they filed charge sheet in C.C.No.38 of 2015 before the Judicial Magistrate (Mahila Court), Coimbatore for the offences under Sections 498 A, 406, 506 (i) IPC & 34 IPC against the 5 Accused, challenging which, A1 has filed this quash application.

3. It is the case of the defacto complainant that she got married to A1 on 27.01.2013 and at the time of marriage, her parents gave 40 sovereigns of gold and Rs.47,000/- household articles; that after marriage she did not go for any job; that her husband drank heavily and abused and beat her; that on 22.05.2013, the brother in law of the defacto complainant who

is Senthil Kumar (A2) came to the house of the defacto complainant and demanded 4 sovereigns of Haram that was given in Betrothal and started abusing the defacto complainant; on 23.05.2013 A1 came drunk to the house of the defacto complainant and attacked her indiscriminately; that unable to withstand the beating she was screaming and hearing that, the house owner came and separated them. In the complaint as well in the statement recorded by the police, the defacto complainant has enumerated the various acts of physical violence to which she was subjected to by the accused. Thus, this Court finds that there are sufficient materials against the accused and hence the prosecution cannot be quashed at the threshold.

4. Therefore, this Criminal Original Petition is dismissed. However, the learned counsel for the petitioner submitted that since it is a matrimonial matter, the parties may be sent to the Mediation Centre for settlement. Accepting the statement, the trial Court is directed to send the defacto complainant and A1 to the local mediation centre in Coimbatore, so as to explore the possibility of an amicable settlement between them. It is made clear that the mediation proceedings shall be completed within two months from the date of reference to the mediation centre. The trial cannot be prolonged under the guise of pendency of mediation proceedings. Consequently, connected Miscellaneous Petitions are closed.

dh/cl

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,
Kovai Town All Women Police Station,
East,
Coimbatore District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

PA(CO)

sm:3.5.2018

CrI.O.P.No.10365 of 2018
and

CrI.M.P.Nos.5313 & 5314 of 2018