

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.7687 and 7806 of 2018

1.Saravana Rajan

2.Mohana

.. Petitioners in Crl.O.P.7687/2018

M.Shanthapoosan

.. Petitioner in Crl.O.P.7806/2018

Vs

The State Rep. by
The Inspector of Police
K7-ICF Police Station
Chennai-38.

.. Respondent in Crl.O.P.7687/2018

1.The State Rep.by
The Inspector of Police
K7-ICF Police Station
Chennai-38.

2.Mohana

..Respondents in Crl.O.P.7806/2018

Prayer:Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records of the FIR in Cr.No.246 and 245 of 2014 respectively on the file of the respondent police and quash the same.

For Petitioners

: Mr.P.Rathanavel

For Respondent
in Crl.O.P.7687/2018
& R1 in
Crl.O.P.7806/2018

: Mrs.Kritika Kamal, P.,
Government Advocate (Crl.Side)

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C O M M O N O R D E R

These petitions have been filed to call for the records in Cr.No.246 and 245 of 2014 respectively on the file of the respondent police and quash the same.

2. On the complaint lodged by Mohana, the respondent police have registered a case in Cr.No.245 of 2014 on 31.03.2014 under Sections 341, 323 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, against Jothi and Shanthapoosan. On the complaint lodged by Jothi, the respondent police have registered a counter case in Cr.No.246 of 2014 on 31.03.2014 under Sections 294(b) and 323 IPC against Saravana Rajan and Mohana. Since the parties have arrived at a compromise, they have filed the present quash applications to quash both the FIRs.

3. Today, Mr.E.Balamurugan, Sub-Inspector of Police, K7-ICF Police Station is present. It is reported that Jothi has died. Saravana Rajan, Shanthapoosan and Mohana are also present before the Court.

4. It appears that Jothi and Shanthapoosan filed CrI.M.P.No.5921 of 2014 before the Sessions Court, Chennai for anticipatory bail. During the anticipatory bail proceedings, they have entered into a Memorandum of Compromise and the same has been recorded in the order dated 27.06.2014 in CrI.M.P.No.5921 of 2014, which reads as under:

"5. Considering the relationship of the parties, they were referred to Mediation for Mediation Centre has sent a report that the parties have arrived at a settlement. Memo of compromise was also entered into between the parties. On perusal of the compromise memo reveals that the parties have settled the dispute amicably out of court and resolved to live peacefully. They have also resolved not to proceed with criminal case and agreed to initiate steps to quash the criminal proceedings before the Hon'ble High Court. However, no case has been registered against the petitioners and it is pending on the file of the K7, ICF Police Station for the offence u/s 341, 232 and 4 of Women Harassment Act.

6. In view of the settlement, I am inclined to grant anticipatory bail to the petitioners."

5. When questioned by this Court, the parties stated that they are close relatives, i.e., Saravana Rajan is the husband of Mohana and Shanthapoosan is the brother-in-law of Mohana.

In view of the above, these petitions are allowed and the prosecution in Cr.Nos.246 and 245 of 2014 respectively on the file of the respondent police are quashed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gms

To

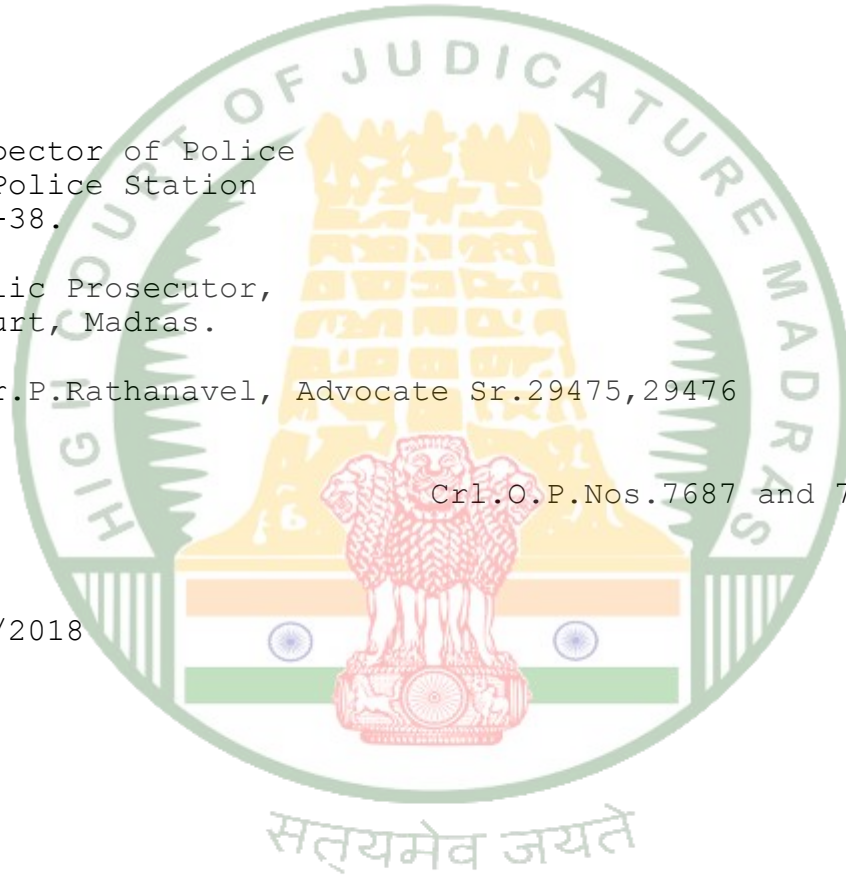
1.The Inspector of Police
K7-ICF Police Station
Chennai-38.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.P.Rathanavel, Advocate Sr.29475,29476

CrI.O.P.Nos.7687 and 7806 of 2018

mr[col
srg 16/05/2018



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