

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P.No.22520 of 2018

S.Jayaprakash

... Petitioner/Accused 1

Vs

1. State By

Inspector of Police,
All Women Police Station,
Thiruvallur,
Thiruvallur District.

... 1st Respondent/Complainant

2. R.Aarathana

... 2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.245 of 2015 on the file of the
Judicial Magistrate-II, Thiruvallur and quash the same.

For Petitioner : Mr.S.Anantha Narayanan
Senior Counsel
for Mr.S.M.Nandhie Devhan

For R1 : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for
the records in C.C.No.245 of 2015 on the file of the Judicial
Magistrate Court No.II, Thiruvallur and quash the same.

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

3. R.Aarathana got married to S.Jayaprakash on 23.01.2013
and their marriage ran into rough weather, resulting in the
spouses getting estranged. On a complaint lodged by Aarathana,
the respondent police registered a case in Crime No.3 of 2015
and after completion of the investigation, filed a charge sheet
in C.C.No.245 of 2015 before the Judicial Magistrate Court
No.II, Thiruvallur, for the offences under Sections 498-A, 420

and 506(i) IPC r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 r/w. Section 34 IPC, against Jayaprakash and four others.

4. It is seen that the prosecution as against all the other accused excluding Jayaprakash was quashed by this Court in CrI.O.P.Nos.26905 of 2015 and 30534 of 2015, on 09.08.2017. Now, this petition has been filed for quashing the proceedings as against Jayaprakash, on the ground that the parties have arrived at a compromise.

5. Today, Jayaprakash and Aarathana are present before this Court. They are identified by the learned counsel Mr.S.M.Nandhie Devhan (Enrollment No.MS.1890/06), counsel for the petitioner. The parties have also filed a joint compounding petition, wherein, in Para Nos.5 to 8, they have stated as follows:

"5. The Petitioner submits that during this time there had been a family compromise and on the advice of elders well wishers, common friends and in particular on the advice of the counsels appearing on both sides, it was compromised and decided in the interest of both parties and their respective livelihood, it would be just and proper to forgive and forget, whatever wrongs that might have taken place between the parties to settle the issues amicably, compound the criminal case and also avoid further washing of dirty linen in public. Hence, he prays to this Hon'ble Court to permit me to quash the proceedings against the petitioner, so that they can live a peaceful and blissful life separately in future.

6. The petitioner submits that monetary compensation had been paid as agreed between the parties.

7. The petitioner submits that, he had also filed a divorce petition on mutual grounds signed by both parties.

8. The petitioner submits that this a matrimonial dispute and that since, the marriage had been irretrievably broken-down, nothing survives, hence, in the larger interest of both parties and their respective families to move forward in life, and the interest of justice, equity and fair play, and as the law laid down by the Apex court in the following judgments.

- a) 2003(4) SCC 675 B.S.Joshi Vs. State of Haryana.
- b) 2013 (2) Crimes 90 (SC) Jitendra Raghuvanshi & Ors Vs. Babita Raghuvanshi &

Anr.

- c) 2014(2) LW Cri 453 Narinder Singh and others Vs. State of Punjab and Another.
d) Unni Krishnan @ Unni Kuttan Vs. State of Kerala."

6. In view of the above, the proceedings in C.C.No.245 of 2015, pending on the file of the Judicial Magistrate Court No.II, Thiruvallur, is hereby quashed and as a sequel, this Criminal Original Petition is allowed on condition that the accused/petitioner shall pay a sum of Rs.1,000/- 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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

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

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GJ-II(CO)
CSL/22.10.2018