

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19369 of 2018

M.Hemanth Kumar ... Petitioner/Accused

Vs

1.State rep. by
Inspector of Police,
W-14 All Women Police Station,
Thiruvotriyur, Chennai-19.

2.B.Sharmila

.. Respondents/Complainant/defecto/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.81 of 2018 in Crime No.4 of 2017 on the file of Judicial Magistrate at Thiruvotriyur and quash the charge sheet filed in the same as far as the petitioner is concerned.

For Petitioner : Mr.S.Thiru Saravanan

For 1st Respondent : Mr.C.Raghavan, GA

O R D E R

This petition has been filed to quash the proceedings in C.C.No.81 of 2018 on the file of the Judicial Magistrate Court, Thiruvotriyur.

2.Heard the learned counsel for the petitioner; learned Government Advocate and perused the materials placed on record.

3.For the sake of convenience, the parties will be referred to by their name. Hemanth Kumar got married to Sharmila on 06.06.2016 and thereafter, they got separated. On the complaint lodged by Sharmila, the respondent Police registered a case in Crime No.4 of 2017 on 05.04.2017 under Section 417, 420 r/w 498 (A) IPC against Hemanth Kumar and after completing the

investigation, have filed a Charge Sheet in C.C.No.81 of 2018 before the Judicial Magistrate, Thiruvotriyur, for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

4.Today, Hemanth Kumar and Sharmila are present before this Court and they are identified by Mr.S.Thiru Saravanan (Enrolment No.83/2009), learned counsel for Hemanth Kumar. They have filed a Joint Memo of Compromise, wherein they have stated as follows:

"The de facto complainant herein had already withdrawn the maintenance case (M.C.No.14 of 2017) filed by her which was pending before the Judicial Magistrate, Thiruvotriyur and now intended to withdraw the complaint against the petitioner in Crime No.4 of 2017 pending before Judicial Magistrate, Thiruvotriyur and appears in person to reveal the same before this Hon'ble Court in the above said CrI.O.P.No.19369 of 2018.

The petitioner is also intended and ready to endorse no objection in the H.M.O.P.No.334 of 2017 filed by the de facto complainant which is pending before the Sub Court, Ponneri and ready to grant divorce to the de facto complainant considering her future.

The petitioner herein submits that he pays an amount of Rs.1,00,000/- (Rupees One Lakh only) through a D.D. bearing No.538100, INDUS IND BANK dated 09.08.2018 to the de facto complainant and also assures that in future he will not demand for any ornaments rendered by him to the de facto complainant and there is no any due transactions on both the side.

It is submitted that based on the above said conditions both the petitioner/accused and de facto complainant arrived at a compromise mind and the de facto complainant is also ready to withdraw her complaint and compound the offence against the petitioner in C.C.No.81 of 2018 in Crime No.4 of 2017 pending before Judicial Magistrate, Thiruvotriyur."

5.In view of the above, this petition is allowed and the proceedings in C.C.No.81 of 2018 on the file of the Judicial Magistrate Court, Thiruvotriyur is hereby quashed. The petitioner is directed to pay Rs.1,000/- to 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.Judicial Magistrate Court,
Thiruvotriyur.

2.The Inspector of Police,
W-14 All Women Police Station,
Thiruvotriyur, Chennai-19.

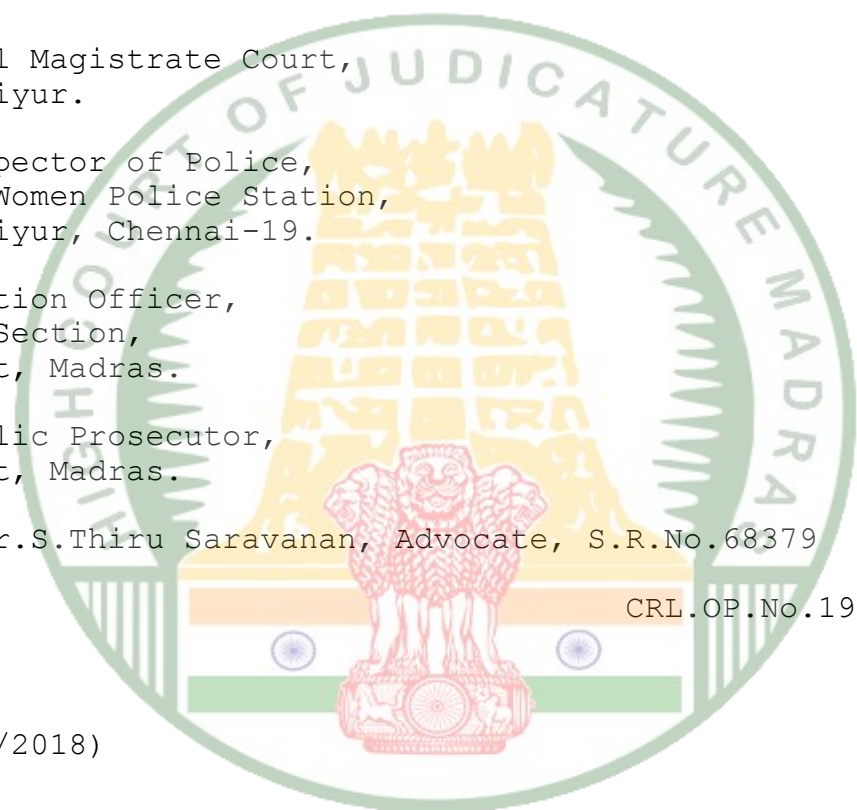
3.The Section Officer,
Accounts Section,
High Court, Madras.

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Thiru Saravanan, Advocate, S.R.No.68379

CRL.OP.No.19369 of 2018

KAN(CO)
GSP(26/10/2018)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the gopuram, there is a red lion capital on a base. The entire seal is overlaid with a large, semi-transparent watermark that reads "WEB COPY" in a bold, sans-serif font.

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