

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.21268 of 2018

1.R. Krishnakumari
2.B.Radhakrishnan

..Petitioners

Vs.

State rep. by

1.The Inspector of Police
W-1 All Women Police Station
St. Thomas Mount,
Chennai.

2. Vanitha

..Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.912 of 2012 on the file of the Judicial Magistrate Court, Alandur at Chennai and quash the same.

For Petitioner : Mr.K.Thenrajan

For R1 : Mr. M.Prabhavathi
Additional Public Prosecutor

For R2 : Mr.Machavatharam

O R D E R

This petition has been filed to call for the records in C.C.No.912 of 2012 on the file of the Judicial Magistrate Court, Alandur at Chennai and quash the same.

2. Vanitha got married to Baskar Reddy on 10.03.2006 and thereafter, they got estranged. On the complaint lodged by Vanitha, the respondent police have registered a case in Cr.No.1 of 2009 on 17.03.2009 for the offences under Sections 498-A and 406 IPC and after completing the investigation have filed a charge sheet in C.C.No.912/2012 before the Judicial Magistrate, Alandur, for the offences under Sections 498-A and 406 IPC against Baskar Reddy [A1], Krishnakumari [A2]-mother of Baskar Reddy [A1] and Radha Krishnan [A3]- father of Baskar Reddy [A1] for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

3. Today Vanitha, Krishnakumari and Radhakrishnan are present.

4. Vanitha has filed an affidavit dated 05.09.2018, wherein it is stated as follows:

"I submit that after completion of investigation, the 1st respondent had filed final report against the petitioners and their son Baskar Reddy and the same was taken on file in C.C.No.912/2012 before the Judicial Magistrate Court, Alandur, Chennai. In the mean time I had filed a divorce petition in H.M.O.P.109/2010 on the file of Hon'ble Principal Subordinate Court at Chengalpattu against the petitioner's son Baskar Reddy and the divorce was granted to me in H.M.O.P.109/2010 dated 27.04.2012 on the file of Hon'ble Principal Subordinate Court at Chengalpattu. After that I got married with one Sanjay Kumar and out of the second marriage I am having a female child namely Pranavi aged 6 years. Now, I am leading a happy and peaceful life with my second husband.

I submit that for the above said reasons I am not willing to continue the above case and we are entered in to a compromise by which I undertake to withdraw the above case as against the petitioners.

I submit that I am filing this affidavit on my own with my full consciousness and without any coercion.

I submit that I will be greatly prejudiced if the case in C.C.No.912/2012 before the Judicial Magistrate Court, Alandur, Chennai is not quashed."

In view of the above, this petition is allowed and the entire proceedings in C.C.No.912/2012 on the file of the Judicial Magistrate Court, Alandur, Chennai, as against all the accused, including Baskar Reddy [A1] stands quashed. The look out circular that has been issued to secure the presence of Baskar Reddy [A1] shall be recalled forthwith. The petitioners

are directed to pay a sum of Rs.1,000/- each (Total Rs.2,000/-) 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 IX)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
W-1 All Women Police Station
St. Thomas Mount, Chennai.

2.The Judicial Magistrate Court,
Alandur at Chennai.

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

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Thenrajan, Advocate SR.NO.61627 & 62194

SPD(CO)
EU:20.9.2018

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सत्यमेव जयते

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