

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

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

CrI.O.P. No.18818 of 2018

and Cr.M.P.No.9939 of 2018

1. Venkadesan
2. Katheeja @ Komathi
3. John Basha
4. Ilaahi
5. Sarmila

... Petitioners

vs.

1. The State Rep by,
Inspector of Police,
All Women Police Station,
Mettur,
Salem District.

2. Lachumi

... Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the entire records pursuant to C.C.No.43 of 2018 pending on the file of the Judicial Magistrate No.II, Mettur and quash the same insofar as the petitioners are concerned by allowing this criminal original petition.

For petitioners : Mr.M.Mariappan
For R1 : Mr.C.Iyyapparaj
Additional public Prosecutor
For R2 : Mr.K.Sudhakar

O R D E R

This petition has been filed to call for the entire records pursuant to C.C.No.43 of 2018 pending on the file of the Judicial Magistrate No.II, Mettur and quash the same insofar as the petitioners are concerned .

2. Lachumi, the de facto complainant got married to Venkatesan [A1] on 29.01.2001 and through the wedlock, they have two children. On account of matrimonial discord, they got estranged. On the complaint lodged by Lachumi, the first respondent police registered a case in Crime No.3 of 2017 and after completing the investigation have filed a charge sheet in C.C.No.43 of 2018 before the learned Judicial Magistrate No.II, Mettur under Section 498 (A) IPC against the petitioners herein, for quashing which, this application has been filed on the ground that the parties have arrived at a compromise.

3. The de facto complainant has entered appearance through counsel Mr.K.Sudhakar. Today, Ms.P.Jamuna, Gr.I 1767, Mettur All Women Police Station, Lachumi, the defacto complainant and Venkadesan [A1] are present before the Court.

4. The defacto complainant has filed an affidavit dated 02.08.2018, wherein, she has stated as follows:

"3. I submit that after some time misunderstanding arose with 1st petitioner. Thereafter I had given the complaint before the 1st respondent police and same is registered as crime under Section 498 A IPC and subsequently 1st respondent filed final report against the petitioners. Now, case is pending as C.C.No.43 of 2018 on the file of the Judicial Magistrate No.II, Mettur. Thereafter with well-wishers of both family members and advised both of us to settle problems. Hence, now I had settled problems. Hence, now I had settled the No.86/2017 on the file of Sub-Court, Mettur and based upon the joint memo the divorce was granted on 31.07.2018. I further submit that I had filed M.C.No.5 of 2017 against the 1st petitioner on the file of Judicial Magistrate No.II, Mettur and the same was withdrawn by me on 26/07/2018.

4. I submit that now I had received permanent alimony as a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) from the 1st petitioner and 1st petitioner had given a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) towards to the maintenance of Minor daughter Jayavarthini vide D.D.No.313514 dated 01.08.2018 and a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the Minor Nivetha vide D.D.No.313513. The above all issues between me and the petitioners settled.

5. I further submit that there is no claim whatever before the 1st petitioner and others. Now, the petitioners before this Hon'ble Court had filed CrI.O.P.No.18818 of 2018 seeking the relief to quash the charge sheet in C.C.No.43 of 2018 pending on the file of the Judicial Magistrate No.II, Mettur.

6. I further submit that since all the issues were settled between me and the petitioners I have no objection to allow the CrI.No.18818 of 2018."

In view of the above, this petition is allowed and the proceedings in C.C.No.43 of 2018 pending on the file of the Judicial Magistrate No.II, Mettur is quashed as against all the accused. The petitioners are directed to pay a sum of Rs.1,000/- each (Total Rs.5,000/-) 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.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II, Mettur.
- 2.-do-Thro' chief Judicial Magistrate, Salem.
3. The Inspector of Police,
All Women Police Station,
Mettur, Salem District.
4. The Section Officer, Accounts Section,
High Court, Madras.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Chinnaraj, Advocate, S.R.No.53811

Cr1.O.P. No.18818 of 2018

VSNIIII (CO)
GSP (21/08/2018)

सत्यमेव जयते

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