

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2018

CORAM :

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.19534 of 2018 and 5372 of 2016

N.S.Suresh @ Venkateswaran .. Petitioner
in Crl.O.P.No.19534 of 2018

Munusamy @ Amar .. Petitioner
in Crl.O.P.No.5372 of 2016

Vs

1. The State rep. by
The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai - 600 004.

2. S.Rajalakshmi ... Respondents
in both petitions

Criminal Original Petitions in Crl.O.P.Nos.19534 of 2018 and 5372 of 2016, filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.4190 of 2015 pending on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai, and quash the proceedings as against the 1st and 2nd accused, respectively.

For Petitioner : Mr.S.D.Venkateswaran
in Crl.O.P.No.19534 of 2018
Mr.Akhil Akbar Ali
in Crl.O.P.No.5372 of 2016

For R1 : Mr.C.Raghavan
Government Advocate (Crl. Side)
in both petitions

C O M M O N O R D E R

These Criminal Original Petitions in Crl.O.P.Nos.19534 of 2018 and 5372 of 2016, have been filed to call for the records in C.C.No.4190 of 2015 pending on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai, and quash the proceedings as against the 1st and 2nd accused, respectively.

2. Rajalakshmi, the de facto complainant, got married to Suresh (A1) and their marriage ran into rough weather

resulting in the spouses getting estranged. On the complaint given by Rajalakshmi, the 1st respondent police have registered a case in Crime No.4 of 2015 and after completing the investigation, have filed a charge sheet in C.C.No.4190 of 2015, before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai, against Suresh (A1) and Munusamy (A2), for the offences under Sections 498-A, 406 and 323 IPC, for quashing which, these two petitions have been filed.

3. During the pendency of these two petitions, it appears that the parties have arrived at a compromise and on that ground, they are seeking quashment of the charge sheet.

4. Today, Rajalakshmi, the de facto complainant, Suresh (A1) and Munusamy (A2) are present, who are all identified by Ms.S.Umalakshmi, Police Constable, W-22, All Women Police Station, Mylapore, Chennai, who is also present before this Court.

5. Rajalakshmi has filed an affidavit dated 31.08.2018, wherein, in Para No.2, she has stated as follows :

"2. I state that the petitioner/1st accused herein has preferred the above Quash Petition on the ground of compromise and settlement between us. I state that I am swearing to this affidavit in support of the Quash Petition and to state that I have agreed for an amicable settlement. I state that I have already come to a compromise regarding the issues with the petitioner/1st accused herein and had filed a petition for divorce by mutual consent along with the petitioner and the same is pending on the file of the IV Additional Family Court at Chennai in H.M.O.P.No.3184/2018 and the same is posted for hearing on 30.01.2019. In terms of the compromise, a Memorandum of Compromise cum Understanding dated 28.07.2018 was entered into between the petitioner and me in terms of the compromise, I have agreed to receive a total sum of Rs.29,55,000/- (Rupees twenty nine lakhs and Fifty five thousand only) from the petitioner/1st accused towards one time permanent alimony. Out of the said sum, I had so far received a sum of Rs.20,00,000/- (Rupees twenty lakhs only) and the balance sum of Rs.9,55,000/- (Rupees nine lakhs and fifty five thousand only) would be paid by the petitioner/1st accused to me while recording evidence in the said petition for divorce by mutual consent. I state that the 1st accused and I have decided to advance the hearing of the mutual consent petition, further pray for

waiving the statutory waiting period of six months and for dissolving our marriage by mutual consent, before the above said Family Court, Chennai."

In view of the above, the proceedings in C.C.No.4190 of 2015, pending on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai, against both the accused is quashed, and as a sequel, these Criminal Original Petitions are allowed on condition that the accused shall pay a sum of Rs.1,000/- each (totally 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai - 600 004.
3. The Public Prosecutor,
High Court, Madras.
4. The Section Officer, सत्यमेव जयते
Accounts Section,
High Court, Madras.

+4cc to Mr.S.D.Venkateswaran, Advocate SR.NO.60297 & 60298

sm:12.9.2018

CRL.O.P.Nos.19534 of 2018
and 5372 of 2016