

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19925 of 2018

1. E.Raja  
2. N. Elumalai  
3. E. Nagarathinam ... Petitioners

Vs

1. The State Rep by sub Inspector of Police,  
W -22, All Women Police Station,  
Mylapore, Chennai.  
(Crime No. 05/2014)  
2. Thilagavathy ... Respondents

Criminal Original Petition filed under Section 482  
Cr.P.C., to call for the records and quash the Charge Sheet  
pending trial in C.C. No. 5696 of 2014 on the file of XVIII  
Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.R.Radha Pandian

For R1 : Mrs.M. Prabhavathi, APP

For R2 : Mr.S.N.Ravikumar

O R D E R

This Criminal Original Petition has been filed to quash  
the proceedings in C.C.No.5696 of 2014 on the file of XVIII  
Metropolitan Magistrate, Saidapet, Chennai.

2.Thilagavathy got married to Raja on 09.02.2007. On  
account of matrimonial discord, they got estranged. On the  
complaint lodged by Thilagavathy, the first respondent  
registered a case in Crime No.5 of 2014, after completing the  
investigation, have filed a Charge Sheet in C.C.No.5696 of  
2014 before the XVIII Metropolitan Magistrate, Saidapet,  
Chennai for the offences under Sections 498(A), 323, 406 of  
IPC against the petitioners, for quashing which, this petition  
has been filed on the ground that the parties have arrived at  
a compromise.

3.Mr.S.N.Ravikumar, learned counsel has entered  
appearance for the second respondent/Thilagavathy.

4.The petitioners and the second respondent are present before this Court and they are identified by their respective counsels. The parties have filed joint memo of compromise dated 25.07.2018, wherein, it is stated as follows:

"The petitioners submit that the 2<sup>nd</sup> respondent/Defacto Complainant and the petitioner/Accused No.1 having two children namely R.Harshitha and R.Puviyan, both are studying 5<sup>th</sup> and 3<sup>rd</sup> standard respectively, in Chennai Public School and considering the paramount interest of the children and welfare of the family both are decided to lead their marital life together in a separate rented house and considering the age of the 2<sup>nd</sup> and 3<sup>rd</sup> Petitioners, the petitioner no.1 assures to find out the house for rent in the convenient area near to Adyar within two months and in the meantime, he undertakes to oblige the court order on interim maintenance and also, to meet out basic need and requirement of the wife and children, and based on the compromise, the 2<sup>nd</sup> respondent withdrew the DVC. No. 5 of 2013 on the file of Judicial Magistrate, Ambattur dated 14.07.2018.

The petitioners submits that now with the help of elders of both families of 1<sup>st</sup> the petitioner and 2<sup>nd</sup> respondent, they have compromised each other and they have settled the issues amicably between themselves, and the 2<sup>nd</sup> respondent/complainant also does not want to proceed further in the above matter.

Hence it is prayed that this Court may be pleased to permit the petitioners/accused 1-3 and 2<sup>nd</sup> respondent/ the defacto complainant to compromise the above matter since 1<sup>st</sup> petitioner and 2<sup>nd</sup> respondent are reunited and thus render justice."

5.In view of the above, this petition is allowed and the proceedings in C.C.No.5696 of 2014 is hereby quashed, on condition that the petitioners pay a sum of Rs.1,000/- each 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(co)

//True Copy//

Sub Assistant Registrar

To

1.XVIII Metropolitan Magistrate,  
Saidapet, Chennai.

2.The State Rep by sub Inspector of Police,  
W -22, All Women Police Station,  
Mylapore, Chennai.

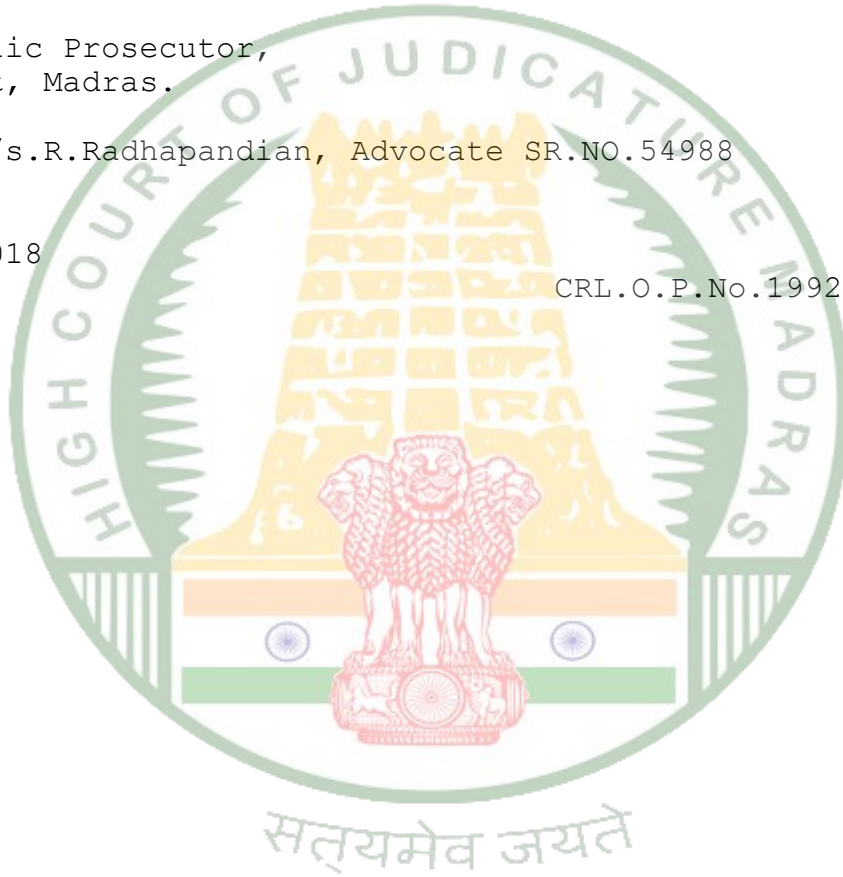
3.The Section Officer,  
Accounts Section,  
High Court, Madras.

4.The Public Prosecutor,  
High Court, Madras.

+lcc to M/s.R.Radhapandian, Advocate SR.NO.54988

NM(CO)  
sm:30.8.2018

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