

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.25917 of 2018

Mrs.Anu Radha

...Petitioner

Vs.

1.State Rep. by
Inspector of Police,
W.20, All Women Police Station,
Saidapet, Chennai-15.

2.C.Ramesh

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the record in docket order dated 26.07.2018 in Crl.M.P.No. unnumbered of 2018 in Crl.A.No.181 of 2017 the Court of VI Session Judge at Chennai, appeal filed against ordered dated 29.06.2017 Judgement rendered by IX Metropolitan Magistrate Court in C.C.No.2018 of 2015 for offence under Section 498-A of Indian Penal Code and set aside the same.

For Petitioner : Mr.I.Arockia Selvaraj

For R1: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For R2 : Mr.V.Senthil Murugan

ORDER

This Criminal Original Petition has been filed to call for the record in Crl.M.P.No.unnumbered of 2018 in Crl.A.No.181 of 2017 on the file of the VI Session Judge at Chennai, in docket order dated 26.07.2018 and to set aside the order passed by the IX Metropolitan Magistrate, Saidapet, Chennai in C.C.No.2018 of 2015, dated 29.06.2017.

2. The IX Metropolitan Magistrate, Saidapet, Chennai by Judgment dated 29.06.2017, convicted the second respondent for an offence under Section 498A IPC and sentenced him to undergo

simple imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months. Aggrieved against the said Judgment, the second respondent has filed an appeal before the VI Additional City Civil Court, Chennai in Crl.A.No.181 of 2017. When the appeal was pending, the parties decided to compromise the dispute among themselves. The petitioner and the second respondent wanted to again start a fresh life. Pursuant to the same, the wife has filed this Criminal Original Petition seeking to set-aside the Judgment of conviction passed against the second respondent.

3. A joint memo of compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the proceedings pending. Even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Judgment in C.C.No.2018 of 2015 passed by the IX Metropolitan Magistrate, Saidapet, Chennai.

5. Recording the same, this Criminal Original Petition stands allowed and as a sequel, the proceeding in C.C.No.2018 of 2015 on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

*The Xerox Copy Joint Memo Compromise Enclosed

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The VI Session Judge,
Chennai.

2.The IX Metropolitan Magistrate,
Saidapet, Chennai.

3.The Inspector of Police,
Inspector of Police,
W.20, All Women Police Station,
Saidapet, Chennai-15.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.I.Arockia Selvaraj, Advocate, S.R.No.86417

+1cc to Mr.V.Senthil Murugan, Advocate, S.R.No.86304

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NRL(CO)
GSP(04/01/2019)



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