



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.20522 of 2016

and

Crl.M.P.(MD)Nos.10442 and 10443 of 2016

1.Samuel Edition
2.Moses
3.Chandra Moses
4.Sobia Helan

... Petitioners / Respondents No.1 to 4

Vs.

1.The State Represented by
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.... 1st Respondent / Complainant

2.Rejula Thangakumari ... 2nd Respondent / Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in connection with the charge sheet in C.C.No.145 of 2016 on the file of the Judicial Magistrate No.II, Nagercoil.

For Petitioners : Mr.R.Russel Raj
For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For R2 : Rejula Thangakumari

ORDER

This Criminal Original Petition has been filed, seeking to quash the proceedings in C.C.No.145 of 2016, pending on the file of the learned Judicial Magistrate No.II, Nagercoil.

2.The first petitioner is the husband and the petitioners 2 to 4 are the in-laws of the second respondent / defacto complainant. The respondent police investigated the case and filed a charge sheet for the offences under Sections 498(A) and 406 IPC r/w Section 4 of the TNPHW Act.



3.The learned counsel appearing for the petitioners submitted before the Court during the last hearing that the parties have amicably settled the dispute among themselves and the first petitioner and the second respondent are living happily with their children at Chennai. Therefore, the learned counsel submitted that no useful purpose will be served by keeping the proceedings pending.

4.This Court directed the learned Government Advocate (Cr1.Side) to get instructions with regard to the submission made by the learned counsel appearing for the petitioners.

5.Today, when the matter was taken up for hearing, status report has been filed by the Inspector of Police, All Women Police Station, Nagercoil. The relevant portion of the status report is extracted hereunder:-

"It is further submitted that I contacted the respondent / defacto complainant Rejula over cell No.9994798836 on 22.10.2018 that time she answered that she is living with her children and husband in a house at Ezhil Nagar, Ayyapakkam, Ambattur till now and her husband is maintaining her and children, paying school fees regular to them. Further, the respondent / defacto complainant stated that she has opened joint account with her husband in Tamil Nadu Mercantile Bank at K.K.Nagar Branch. The Village officer of their area has also issued certificate that Rejula and her husband Samuel Edison are living in 60, Ezhil Nagar, Ayyapakkam, Ambattur, Chennai."

6.It is clear from the above that the first petitioner and the defacto complainant are living in Ambattur along with their children. Therefore, no useful purpose will be served to proceed further with the case, since the same will unnecessarily affect the happy and peaceful life of the first petitioner and the second respondent and it will also impact the life of the children.

7.In the peculiar facts and circumstance of the case, this Court quashes the proceedings in C.C.No.145 of 2016, pending on the file of the learned Judicial Magistrate No.II, Nagercoil.

8.In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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To:

1.The Judicial Magistrate No.II,
Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.

Copy to :

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.20522 of 2016
29.10.2018

myr

RAM-NM/SV/SAR 3/05.12.2018/3P/4C