

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5761 of 2018

V.Krishna

... Petitioner/
Accused I

Vs.

1. The State by
Inspector of Police,
W-20, AWPS, Saidapet,
Chennai - 600 015.

.. Respondent/Complainant

2. Mrs.R.Jaishree

...Respondent/Defacto
Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings in C.C.No.3191 of 2013 on the file of the Learned IX Metropolitan Magistrate, Saidapet and quash the charge sheet dated 20.10.2009.

For Petitioner : Mr.G.Thyagarajan

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.Sudha Ramalingam

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3191 of 2013 on the file of the learned IX Metropolitan Magistrate, Saidapet.

2.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant have reconciled their differences and they have rejoined and were living together with their son at abroad. Hence, he sought to quash further proceedings in C.C.No.3191 of 2013 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai.

3.The learned counsel for the 2nd respondent/defacto complainant submitted an affidavit filed by the defacto complainant. The relevant portion of the same is extracted hereunder:

"2.I state that it is true that the petitioner/1st accused is my husband. I am the defacto complainant in the above C.C.No.3191 of 2013 on the file of the IX Metropolitan Magistrate, Saidapet. We have reconciled our differences and the petitioner had rejoined me and living with our son and me in the USA. I have given a letter dated 210.03.2016 withdrawing my complaint against the petitioner herein and his parents and stand by it till date.

3.I state that as I am employed in USA and our son is also studying therein, I do not have leave facility in the near future and therefore, it is difficult for me to travel to Chennai and attend this Hon'ble Court. I am therefore filing this counter affidavit to submit that I have no objection in this Hon'ble Court quashing the above C.C.No.3191 of 2013 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai."

4.The learned Additional Public Prosecutor also confirmed the above submissions made by the learned counsel for the petitioner and did not raise any objections to quash the proceedings in C.C.No.3191 of 2013.

5.In view of the above submissions made and also considering the fact that the petitioner and the defacto complainant joined together and were living at abroad, no purpose will be served in keeping the proceedings pending. Hence, the proceedings in C.C.No.3191 of 2013 is hereby quashed and the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Inspector of Police,
W-20, AWPS, Saidapet,
Chennai - 600 015.

2. The IX Metropolitan Magistrate,
Saidapet, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Sudha Ramalingam, Advocate, S.R.No.10524

+1cc to Mr.G.Thyagarajan, Advocate, S.R.No.11260

CRL.O.P.No.5761 of 2018

VBA (CO)
CS/06/03/2019



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