

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5203 and 5205 of 2019

Sathish Kumar

... Petitioner
in both Crl.O.Ps.(Accused)

Vs.

1. The State,
Rep. by Inspector of Police,
J5,Sasthri Nagar Police Station,
Chennai.

...1st Respondent in both Crl.OPs.
(Complainant)

2.K.Mythili

...2nd Respondent
in both Crl.O.Ps.Defacto Complainant)

Common Prayer:

Criminal Original Petitions filed under Section 482 Cr.P.C.
to call for the records pertaining to the proceedings in
S.C.Nos.287 of 2015 and 350 of 2016 on the file of the Hon'ble
Mahila Court, Chennai and quash the charge sheet dated
11.07.2015 and 19.07.2016 respectively.

In both Crl.O.P.s.

For Petitioner

: Mr.G.Thyagarajan

For Respondent

: Mr.C.Raghavan,

Govt. Advocate (Crl.side)

WEB COPY
COMMON ORDER

These Criminal Original Petitions have been filed seeking
to quash the charge sheets dated 11.07.2015 and 19.07.2016 filed
in S.C.Nos.287 of 2015 and 350 of 2016 on the file of the
Mahila Court, Chennai.

2.The parties are present before this Court and they were
identified by Mr.K.Krishnasamy, Sub-Inspector of Police. The

learned counsel for the petitioner submitted that the parties have got compromised and both have got married and living together happily. He has also filed a memo of compromise between the parties, the relevant portion of the memo is extracted hereunder:

"3.We got married on 20.07.2018 at Sri Nagakanniyamman Thirukoil, Arjunamedu, Tiruverkadu and living as spouses at the above said address from the date of marriage.

4.It is submitted that there are 2 cases against the 1st of us i.e. G.V.Sathish Kumar vide S.C.No.287 of 2015 and S.C.No.350 of 2016. Both the cases are pending before the Hon'ble Mahila Court, Chennai.

5.The status of the case is that it is posted for Arguments.

6.The 2nd of us i.e.K.Bhavani submits that as we both have got married, all the differences and dispute is compromised between both the families, and therefore we both got married and living together as husband and wife. Therefore, the case is pending before the Hon'ble Court be quashed as we have reunited as husband and wife.

7.The act of 1st who the husband of the 2nd of us, can be condoned mercifully and allow the spouses herein to live as husband and wife and to get the better future and prosperity.

8.It is true that the parties herein are in love with each other for the past years. Therefore, the act of 1st of us is immaculate in nature."

The 2nd respondent/wife has also filed an affidavit, wherein she has stated as follows:

"1.I submit that I am the daughter of the defacto complainant and wife of the petitioner/Accused herein and as such I am well acquainted with the facts and circumstances of the case.

2.I submit that myself and the petitioner/Accused herein were in love with each other for the past years and we have got married on 20.07.2018 at Sri Nagakanniyamman Thirukoil, Arjunamedu, Tiruverkadu and we are living together as spouses in the address mentioned above.

3.I submit that prior to this, my mother who is the defacto complainant herein has given complaint against my husband, who is the petitioner/Accused herein vide S.C.No.287 of 2015 and S.C.No.350 of 2016, and both are pending on the file of this Hon'ble Mahila Court, Chennai, for Arguments.

4.I submit that as both myself and the petitioner herein got married and happily living as spouse, all the

disputes between our families are compromised and we spouses are aheading towards the next phase of our life. Hence, it is just and necessary the charge sheet in the above stated cases filed against my husband may be quashed.

5.I submit that the act of the petitioner/Accused herein who is my husband can be condoned mercifully and we spouses be allowed to live as husband and wife peacefully and to get prosperous future.

6.I submit that if in case, the said cases against my husband are not quashed, I would face untold prejudice and mental agony, which cannot be compensated by any means in the future. Hence, this affidavit of mine for quashing the charge sheet against my husband in S.C.No.287 of 2015 and S.C.No.35 of 2016, may be accepted by this Hon'ble Court considering our future."

3.In view of the compromise arrived at between the parties, these Criminal Original Petitions are allowed and the proceedings in S.C.No.287 of 2015 and S.C.No.350 of 2016 are hereby quashed. The memo of compromise and the affidavit of the respondent shall form part of the records.

* Xerox copy of Memo of Compromise and the Affidavit enclosed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rm
To

1. The Sessions Judge,
Mahila Court, Chennai.
2. The Inspector of Police,
J5,Sasthri Nagar Police Station, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.G.Thyagarajan, Advocate, S.R.No.18328, 18327

Cr1.O.P.Nos.5203 and 5205 of 2019

SV(CO)
CS/01/04/2019
CS/03/05/2019