

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.28414 of 2013

1.M.Premsakthi

... Petitioner

Vs.

1. State by Inspector of Police,
W-17 All Women Police Station,
Peravallur, Chennai - 82.
(Cr.No.1/2009)

2. V.Kavitha

... Respondents

Prayer:Petition filed under Section 482 of Cr.P.C., seeking to call for the records in connection with C.C.No.3003 of 2010 on the file of Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.R.Rajarathinam

For Respondents: Mr.C.Iyyapparaj for R1
Additional Public Prosecutor
Mr.T.S.Rajmohan for R2

O R D E R

This criminal original petition has been filed seeking to call for the records in connection with C.C.No.3003 of 2010 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and to quash the same.

2.The case of the petitioner is that the petitioner is the sister - in - law of the second respondent/ defacto complainant and she is arrayed as the fourth accused in the case in C.C.No.3003 of 2010. The marriage between the second respondent and the petitioner's brother was solemnized on 08.02.2007 and from the date of marriage, the second respondent and the petitioner's brother were living along with the parents of the petitioner in Kolathur. On 06.03.2009, the second respondent preferred a complaint alleging that her father - in - law and mother - in - law along with her husband demanded a sum

of Rs.2 Lakhs and house site and tortured her. Based on the complaint, the case came to be registered. Thereafter, the matter was compromised and the second respondent received a sum of Rs.5 Lakhs from the petitioner's brother. Even thereafter, the law enforcing agency filed the charge sheet. Challenging on the said ground the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that though the defacto complainant received a sum of Rs.5 Lakhs from the petitioner's brother, before filing of charge sheet and wrote a letter to that effect to the law enforcing agency, the law enforcing agency filed the charge sheet, which is un-sustainable one. He would further submit that the second respondent has married some other person and is now living happily. Hence, forcing the petitioner to face the trial is un-sustainable one.

4.The learned Additional Public Prosecutor and the learned counsel appearing for the second respondent did not dispute the facts submitted by the learned counsel appearing for the petitioner.

5.Admittedly, the petitioner is the sister - in - law of the second respondent/ defacto complainant. During the pendency of this petition, the second respondent has married some other person and is now living happily. Further, it appears that the second respondent/ defacto complainant has received a sum of Rs.5 Lakhs from the petitioner's brother as one time settlement. There is also no allegation against the petitioner. Hence, forcing the petitioner to face trial is un-sustainable one.

6.In view of the above, this criminal original petition is allowed and the entire proceedings in C.C.No.3003 of 2010 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, is hereby quashed. Consequently, connected miscellaneous petition, if any, is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

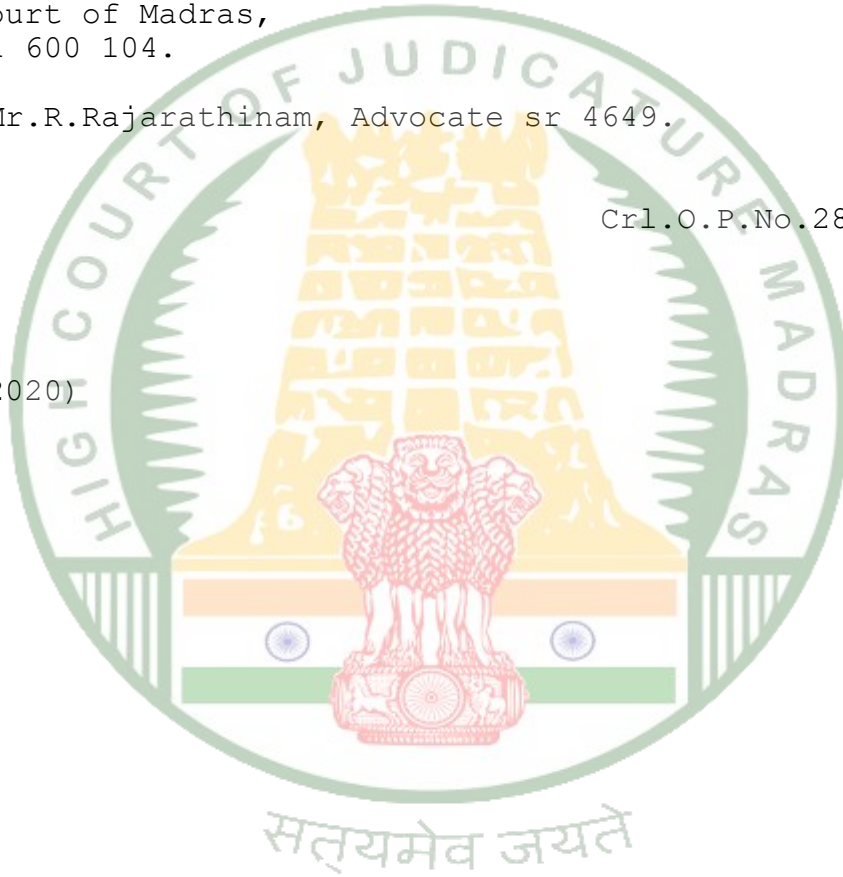
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To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
 2. The Inspector of Police,
W-17 All Women Police Station,
Peravallur, Chennai - 82.
(Cr.No.1/2009)
 3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.
- +1 CC to Mr.R.Rajarithnam, Advocate sr 4649.

Crl.O.P.No.28414 of 2013

EV(CO)
SP(13/02/2020)



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