

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.24591 of 2014
and M.P.No.1 of 2014

1.Chandra Bose

2.C.Indirani

3.Vasuki

4.Sumithra

5.R.Janaki

... Petitioners/
Accused 2 to 6

Vs.

1.State represented by
The Inspector of police,
W-33, All Women Police Station,
Madhavaram, Chennai.
(Crime No.3 of 2014)

... Respondent/Complainant

2.Saranya

... Respondent/
de facto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.112 of 2014 on the file of the
Judicial Magistrate Court No.II, Ponneri, Thiruvallur District
and quash the same.

For Petitioner : Mr.D.Vijay

For R1 : Mr.L.Charles
Government Advocate (Cr1.Side)

For R2 : Mr.S.Arivazhagan

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O R D E R

This criminal original petition has been filed seeking to call for the records in C.C.No.112 of 2014 on the file of the Judicial Magistrate Court No.II, Ponneri, Thiruvallur District and quash the same.

2. Saranya got married to Venkatapathy (A1) on 01.08.2012 and after marriage, they got estranged on account of marital discord.

3. On the complaint lodged by Saranya, the police registered a case in Crime No.3 of 2014 and after completing the investigation, the police filed final report in C.C.No.112 of 2014 before the Judicial Magistrate Court No.II, Ponneri, Thiruvallur, against Venkatapathy (A1), Chandra Bose (A2), Indirani (A3), Vasuki (A4), Sumithra (A5) and Janaki (A6), for the offences under Sections 498-A, 406 and 506 (I) IPC and Section 5 of the Dowry Prohibition Act, 1961.

4. Challenging the prosecution, the petitioners filed Crl.O.P.No.24591 of 2014, which was dismissed for default on 19.02.2020, to restore which, they have filed Crl.M.P.No.5957 of 2020 in Crl.O.P.No.24591 of 2014.

5. In the meanwhile, it appears that the parties had arrived at a compromise and the marriage between Saranya and Venkatapathy (A1) was dissolved by a decree of divorce in O.P.No.107 of 2013 on 29.11.2013 by the Subordinate Court, Ponneri.

6. The petitioners filed a fresh quash petition on 20.08.2020 in Crl.O.P.No.SR22572 of 2020 for quashing the prosecution, on the ground that the parties have settled the matter. The Registry returned the papers on the ground that the petitioners should file a petition for restoration of Crl.O.P.No.24591 of 2014 and seek remedy in that petition.

7. Heard Mr.D.Vijay, learned counsel for the petitioners, Mr.L.Charles, learned Government Advocate (Crl.Side) appearing for the first respondent/State and Mr.S.Arivazhagan, learned counsel for the second respondent/de facto complainant.

8. Today, this Court allowed the petition in Crl.M.P.No.5957 of 2020 and restored Crl.O.P.No.24591 of 2014 on file.

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9. Venkatapathy (A1) and Saranya have filed a memo of compromise dated 13.10.2020 with the photographs of them affixed thereon and duly identified and attested by their Advocates viz., Mr.D.Vijay (Enrollment No.1625 of 2000 and Mobile No.9884657990), learned counsel for Venkatapathy (A1) and Mr.S.Arivazhagan (Enrollment No.955 of 1996 and Mobile No.9444816850), learned counsel for Saranya. The memo of compromise reads as under:

"1.The 1st Accused in C.C.No.112 of 2014 is the husband of the 2nd respondent, 1st and 2nd petitioners are parents of the 1st accused and 3rd to 5th petitioners are sisters of the 1st accused. The petitioners and the 1st accused in C.C.No.112 of 2014 hereby pay Rs.2,75,000/- (Rupees Two Lakhs and Seventy Five Thousand Only) to the 2nd respondent towards compensation on 12.10.2020.

2. The 2nd respondent has received Rs.2,75,000/- (Rupees Two Lakhs and Seventy Five Thousand Only) from the petitioners.

3. The 2nd respondent submits that the issue between the 1st accused in C.C.No.112 of 2014 and the 2nd respondent has been amicably settled and both have been living separately since the marriage is dissolved in O.P.No.107 of 2013 on the file of the Subordinate Court, Ponneri by an order dated 29.11.2013. Hence the C.C.No.112 of 2014 in Crime No.3 of 2014 on the file of the Judicial Magistrate Court No.II, Ponneri can be quashed against the petitioners 1 to 5.

The above settlement has been arrived at both the parties without any force, undue influence or coercion.

It is therefore prayed that his Hon'ble Court may be pleased to record the Memo of compromise and quash the C.C.No.112 of 2014 on the file of the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District and pass such further or other orders as this Hon'ble Court may deems fit and proper in the facts and circumstances of the case and thus render justice."

In view of the above, this criminal original petition is allowed and the entire proceedings in C.C.No.112 of 2014 pending on the file of the Judicial Magistrate Court No.II, Ponneri, Thiruvallur District, is hereby quashed against all the accused including Venkatapathy (A1). Connected M.P. is closed.

*Xerox copy of the Memo of Compromise Enclosed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Judicial Magistrate No.II,
Ponneri,
Thiruvallur District.
- 2.The Inspector of police,
W-33, All Women Police Station,
Madhavaram, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Crl.O.P.No.24591 of 2014

MG(CO)
CB(02/12/2020)

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