

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2367 of 2021
and Crl.M.P.Nos.1305 of 2021

B.Dilliprasath

Petitioner

vs.

1. The Inspector of Police,
AWPS,
Chengalpattu.

2. Dhavamani

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.94 of 2020 on the file of Judicial Magistrate, Additional Mahila Court, Chengalpattu and quash the same.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.C.Raghavan

Government Advocate
for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.94 of 2020 on the file of the learned Judicial Magistrate, Additional Mahila Court, Chengalpet.

2.The respondent police have filed the final report before the Court below against eight named accused persons for offences under Sections 294(b), 506(i) and 417 of IPC. The petitioner has been arrayed as A2 and he is the co-brother of A1.

3.When the matter came up for hearing on 12.02.2021, the learned counsel for the petitioner brought to the notice of this Court, the fact that already the marriage between A1 and daughter of the 2nd respondent has been declared to be a nullity by the Family Court, Chengalpet and there is already a memorandum of understanding entered into between the parties on 18.10.2019 to the effect that all the proceedings will be withdrawn. This Court directed the learned counsel for the

petitioner to take notice on the 2nd respondent and it is reported that the 2nd respondent for some reasons is not coming before this Court.

4.The learned Government Advocate appearing on behalf of the respondent police submitted that the respondent police have not been informed about the compromise between the parties.

5.In the considered view of this Court, when the main dispute between A1 and the daughter of the 2nd respondent has come to an end by virtue of the marriage being declared as a nullity in HMOP No.167 of 2019, by the Family Court, Chengalpet, by judgment dated 25.10.2019, no useful purpose will be served in keeping this proceedings pending. That apart, it is also seen that the memorandum of understanding between A1, the defacto complainant and her daughter on 18.10.2019 is to the effect that all the cases will be withdrawn.

6.In view of the above discussion, the continuation of the proceedings against the petitioner who is only the co-brother of A1, will amount to abuse of process of Court and the same requires the interference of this Court under Section 482 Cr.P.C. In the result, the proceedings in C.C. No.94 of 2020 on the file of the learned Judicial Magistrate, Additional Mahila Court, Chengalpet is quashed.

7.Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate,
Additional Mahila Court, Chengalpattu.
2. The Inspector of Police,
AWPS,
Chengalpattu.

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3. The Public Prosecutor,
High Court, Madras.

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RSV(CO)
KKV/18/03/2021



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