

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.1689 of 2015
and MP No.1 of 2015

Sarammal ...Petitioner/2nd Accused

Vs.

1. State Rep. By
The Inspector of Police,
W-12, All Women Police Station (Harbour Range),
Chennai
...1st Respondent /Complainant

2. Jasmine ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet filed against the petitioner /2nd accused in C.C.No.5894 of 2008 pending on the file of the learned VII Metropolitan Magistrate, Chennai.

For Petitioner	: N.Baskaran
For Respondents	: Mr.E.Raj thilak
	Counsel for Government (Crl. Side)
	for R1

ORDER

This Criminal Original petition has been filed seeking to quash the charge sheet filed against the petitioner /2nd accused in C.C.No.5894 of 2008 pending on the file of the learned VII Metropolitan Magistrate, Chennai.

2. The case of the prosecution is that there were three accused persons in this case. The first accused is no more. The second accused is the petitioner herein. The Third accused/daughter of the 1st accused. The accusation is for alleged offence under Sections 292, 354, 342 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The present petition has been filed on the ground that the matter has been compromised between the defacto complaint and the petitioner herein.

3. The learned counsel for the petitioner submitted that A-1 is the main accused in this case and he is no more. The learned counsel submitted that this Court has already quashed the proceedings pending against the 3rd accused/daughter of the 1st accused vide order dated 03.11.2014 on the ground of compromise entered into between parties.

4. The relevant portions in the Affidavit of Defacto Complainant are extracted hereunder :-

“7. I further submit that as stated in Para 5 above A-1 is already dead and my major grievance is with him and because of his untimely death, I have been advised that the case against A-1 will go. As far as A-2 & A-3 are concerned, my grievances are only minimal and I have compromised with them. In such circumstances, the need for continuation of

prosecution in C.C.No.5894/2008 would be not necessary.

8. I am filing the present affidavit to bring to the notice of this Hon'ble Court regarding the compromise I had reached with A-2 and A-3 in this regard.

5. Taking into account the compromise entered into between parties and also of the fact that this Court has already quashed the proceedings insofar as the 3rd accused is concerned, this Court is inclined to quash the proceedings as against this petitioner is concerned and accordingly, this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

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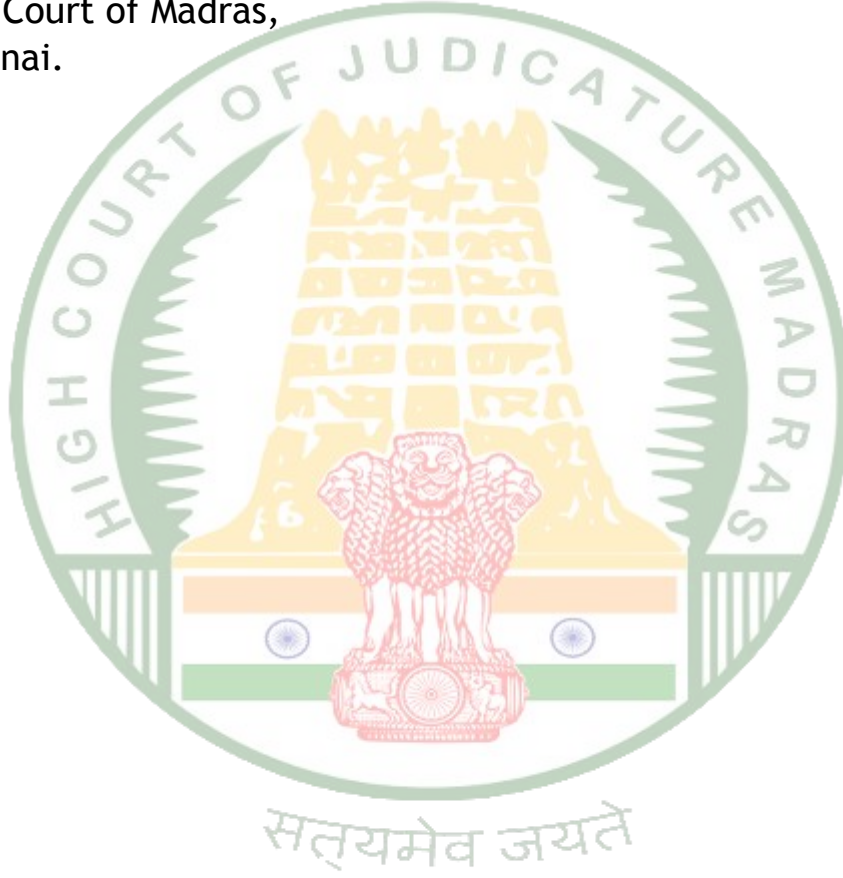
Index : Yes / No

Speaking order/Non-speaking order

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To

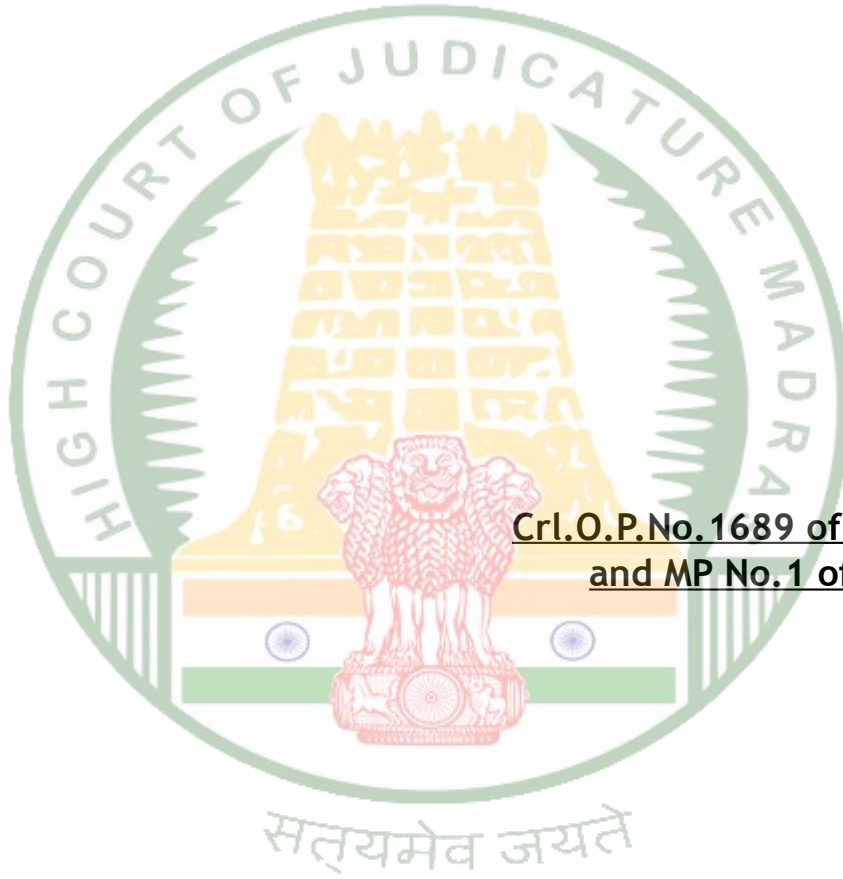
1. The learned VII Metropolitan Magistrate, Chennai.
2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.



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V.BHAVANI SUBBAROYAN.,J

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