

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 16.03.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5102 of 2021
and Crl.MP.Nos.3255 & 3257 of 2021

1. R.Ravi @Ravichandran

2. V.Sulochana

3. M.Velu

4. R.Ramesh ... Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Ponneri, Tiruvallur District.

2. R.Sandhiya ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.68 of 2014 pending on the file of the Judicial Magistrate, Ponneri, Tiruvallur District and quash the same.

For Petitioner : Mr.S.Sarath chandran

For Respondent : Mr.M.Mohamed Riyaz, for R1
Additional Public Prosecutor

O R D E R

On consent given by either side, the main petition itself has been taken up for final hearing.

2. The respondent police, on completion of the investigation, filed a final report against the petitioners for offences under Section 498A, 406, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998. During the pendency of the proceedings, the parties decided to compromise the dispute and a mutual consent petition was filed before the III Additional Family Court, Chennai.

3. It is seen from the joint compromise memo filed

before the concerned Court at Clause-7, wherein the second respondent has agreed to withdraw all the cases civil and criminal. Based on this memo of compromise, the III Additional Family Court, Chennai, by an order dated 27.04.2017 made in OP.No.215 of 2013, dissolved the marriage between the first petitioner and the second respondent by mutual consent. It was also made clear in the order that the joint compromise memo will form part of the decreetal order.

4. The grievance of the petitioner is that after the orders were passed by the Family Court, the second respondent stopped coming to Court and the matter is being adjourned time and again before the Court below and no interest has been evinced by the second respondent. The matter has been pending for a very long time and even the Court proceedings recorded on 11.02.2020 shows that the case is pending for more than five years for examination of witnesses and not a single witness has been produced by the prosecution.

5. Heard Mr.S.Sarath chandran, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecution appearing on behalf of first respondent.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the matter has been resolved through a compromise between the parties and the marriage itself has been dissolved through mutual consent, no useful purpose will be served in keeping the proceedings pending and it will amount to an abuse of process of Court.

7. In the result, the proceedings in CC.No.68 of 2014 pending on the file of the learned Judicial Magistrate, Ponneri, Tiruvallur District, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

rli

To

1. The Inspector of Police,
All Women Police Station,
Ponneri, Tiruvallur District.

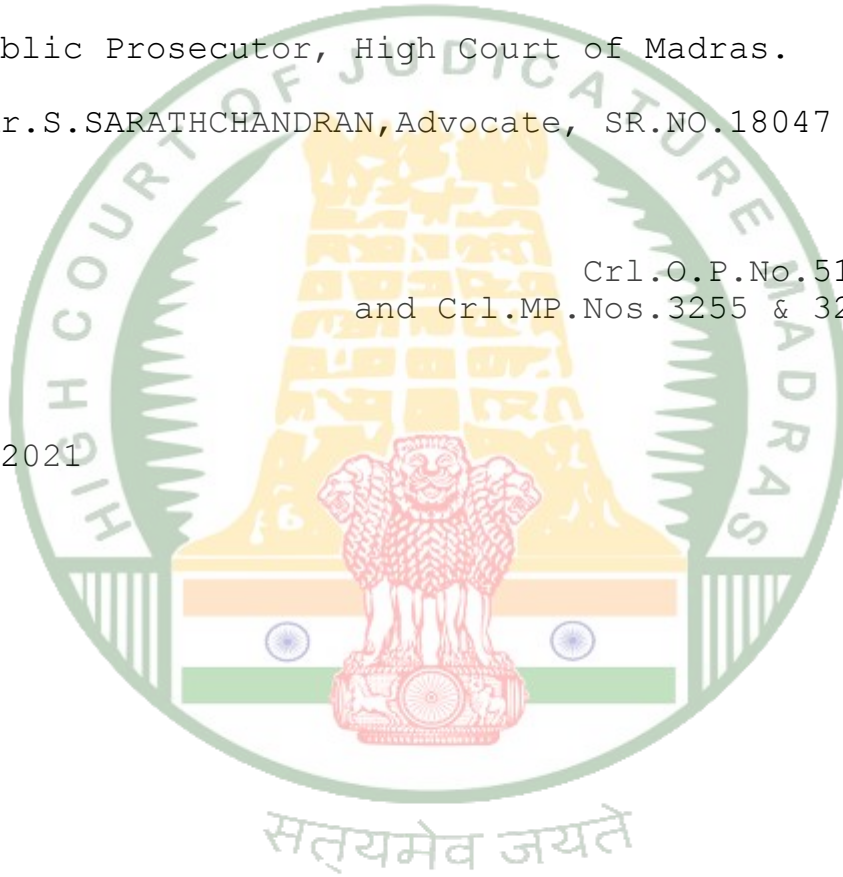
2. The Judicial Magistrate, Ponneri,
Tiruvallur District

3. The Public Prosecutor, High Court of Madras.

+1cc to Mr.S.SARATHCHANDRAN, Advocate, SR.NO.18047

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GSM(CO)
KK 17.04.2021



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