

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl. OP No.5995 of 2021
and Crl. MP Nos.3917 & 3918 of 2021

1. S.Satheeshkumar

2. Mallika ...Petitioners/Accused No.1 & 2

vs.

1. State rep by
Inspector of Police,
W-20, All Woman Police Station,
Saidapet, Chennai. Respondent / Complainant

2. Vijayalakshmi Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of C.C.No.3216 of 2019 on the file of Metropolitan Magistrate No.IX, Saidapet, Chennai and quash the same.

For Petitioners : Mr.S.Sarath Chandran

For Respondents : Mr.C.Raghavan
Government Advocate (crl. Side)
for R1

ORDER

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

2. This petition has been filed seeking to quash the proceedings in C.C.No.3216 of 2019 on the file of learned Metropolitan Magistrate No.IX, Saidapet, Chennai.

3. Based on the complaint given by the second respondent, an FIR came to be registered in Crime No.1 of 2017 for an offence under Section 498 (A) and 506 (1) of the Indian Penal Code. On completion of investigation, the Final Report was filed before the Court below against the petitioners.

4. In the meantime, the first petitioner and the second respondent entered into a compromise and a mutual consent

divorce petition was filed before the Sub Court, Devakottai and the marriage was dissolved by mutual consent by judgment and decree dated 11.11.2018. It is seen from the order passed by the Court below that the second respondent had agreed to withdraw all the complaints and she has also received all the articles belonging to her. This has been specifically recorded in the judgment passed by the Court below.

5. Heard Mr.S.Sarath Chandran, learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate appearing for the first respondent.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the marriage itself has been dissolved by mutual consent and the second respondent has agreed to withdraw the complaint as one of the condition for mutual consent divorce, no useful purpose will be served in keeping the proceedings pending before the Court below. The continuation of the proceedings against the petitioners will amount to an abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure.

7. In the result, the proceedings in C.C.No.3216 of 2019 on the file of learned Metropolitan Magistrate No.IX, Saidapet, Chennai, is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv
To

1. The Metropolitan Magistrate No.IX,
Saidapet, Chennai

2. The Inspector of Police,
W-20, All Woman Police Station,
Saidapet, Chennai.

3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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PL(CO)
NS(07/05/2021)