



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17195 of 2021

R.Ramasamy. ... Petitioner/ Single Accused
Versus

1. The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai - 101. .. 1st Respondent/ Complainant

2. Mrs.Veerajanaki ... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in C.C.No.2999 of 2010 pending Trial on the file of the C.M.M.Egmore and Quash the same.

For Petitioner : Mr.K.G.Senthilkumar.

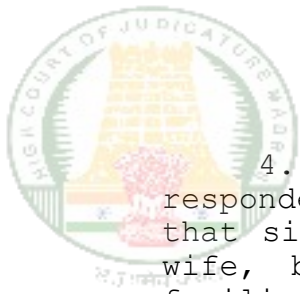
For Respondents: Mr.A.Damodharan,
Addl. Public Prosecutor
For R1.
Mr.A.P.Sathyamurthy
For R2.

ORDER

This Criminal Original Petition has been filed to quash the case pending in C.C.No.2999 of 2010 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. The case of the prosecution is that the petitioner, who is the husband of the defacto complainant, has harassed the defacto complainant by demanding dowry. Hence, she lodged a complaint against the petitioner and a case in Crime No.6 of 2009 for the offences under Sections 498(A) and 323 of IPC and Section 4 of Dowry Prohibition Act has been registered. After completion of investigation, charge sheet has been filed before the Chief Metropolitan Magistrate, Egmore, Chennai and the same has been taken on file as C.C.No.2999 of 2010.

3. Now, the case is pending for trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4. An Affidavit, dated 01.04.2021 has been filed by the 2nd respondent/defacto complainant. In the affidavit, it is stated that since the 2nd respondent and the petitioner are husband and wife, based on the advise given by the elders of both the families, they decided to settle the issues amicably. The complaint was filed in a heated movement due to sense of pressure and other circumstances prevailing at the relevant point of time, but now everything has been settled down between them and the terms were reduced into writing by way of a Memorandum of Understanding. The copy of the said Memorandum of Understanding has been filed before this Court. Hence, she is not inclined to proceed with the trial further.

5. The learned counsel for the petitioner would submit that as per the Memorandum of Understanding the petitioner/husband agreed to pay a total sum of Rs.15 lakhs to the defacto complainant/wife in 3 installments towards all her expenses incurred at the time of marriage, maintenance (past, present and future), permanent alimony. The first installments of Rs.5,00,000/- (Rupees Five Lakhs only) has been paid on 01.04.2021, i.e. on the date of signing MOU, vide D.D.No.578983 and the 2nd installment of Rs.5,00,000/- (Rupees Five Lakhs only) has been paid today, i.e. 04.10.2021 vide D.D.No.921223. The balance amount of Rs.5,00,000/- (Rupees Five Lakhs only) will be paid in the CMA proceedings.

6. The petitioner and the 2nd respondent are present through Video conferencing. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The defacto complainant agreed the receipt of Rs.10 lakhs from the petitioner/accused.

7. Under such circumstances, no useful purpose will be served in keeping the C.C.No.2999 of 2010 pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.No.2999 of 2010.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2999 of 2010, on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, is quashed. The affidavit shall form part and parcel of the order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



mrp

To

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1. The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai - 101.
2. The Chief Metropolitan Magistrate,
Egmore, Chennai
3. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.K.G.Senthilkumar, Advocate, Sr.No.51870

CRL.O.P.No.17195 of 2021

SR-II(CO)
SB(17/11/2021)