



WEB COPY



Crl.O.P.No.11638 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.11638 of 2019

and

Crl.M.P.No.6018 of 2019

1.Velayutham
2.Kasthuri
3.Uma

... Petitioners

Vs.

1.State Rep.by
The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai.

2.Rajeswari

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.167 of 2017 pending on the file of the learned Judicial Magistrate, Tambaram and quash the same.

For Petitioners : Mr.T.R.Ravi

For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.No.11638 of 2019

For R2 : Mr.T.R.Kathiravan

ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the criminal case in C.C.No.167 of 2017 pending on the file of the learned Judicial Magistrate, Tambaram.

2. A complaint was lodged by the 2nd respondent, Rajeswari alleging that she had been subjected to dowry harassment, verbal abuse, criminal intimidation and harassment. The said complaint dated 29.09.2016 registered in Crime No.44 of 2016 against her husband and the petitioner herein was taken up for investigation and a final report filed against Dilli, the husband of the *de facto* complainant, Velayudam/ father-in-law, Kasthuri/mother-in-law and Uma/sister-in-law, of the *de facto* complainant respectively.

3. The petition to quash was filed on the ground that the complaint is a motivated one based on the ill advice given to the *de facto* complainant, such complaint will enable her to have a nuclear family.



Crl.O.P.No.11638 of 2019

After creating trouble in the matrimonial house even for previous issues and exaggerated complaint has been filed and the same without proper investigation culminating in filing the final report, which was taken on file in C.C.No.167 of 2017.

4. When the matter was taken up for final hearing, it was reported by the learned counsel for the petitioner that the 1st petitioner who is the father-in-law of the *de facto* complainant has died. Due to intervention of elders, the 2nd respondent and her husband who is the 1st accused herein buried their difference and reunited. They are living peacefully and therefore, the *de facto* complainant, the 2nd respondent is not interested in prosecuting the petitioners. Today, the *de facto* complainant and her husband as well as the petitioners 2 and 3 were present.

5. The learned Government Advocate (Crl.Side) for the State after making spot inspection through the police reports submitted that the *de facto* complainant and the 1st accused have reunited and living



CrI.O.P.No.11638 of 2019

WEB COPY

peacefully and the petitioners 2 and 3 are having cordial relationship with the *de facto* complainant as well as the 1st accused. A memo of understanding along with affidavit of the *de facto* complainant filed indicating their reunion and consent to quash the proceedings.

6. Recording the Memo of understanding and the affidavit of *de facto* complainant, this Criminal Original Petition is allowed. C.C.No.167 of 2017 on the file of the Judicial Magistrate, Tambaram is quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

01.11.2022

rpl

Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Judicial Magistrate, Tambaram

2.The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai.



CrI.O.P.No.11638 of 2019

WEB COPY

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



WEB COPY



Crl.O.P.No.11638 of 2019

Dr.G.JAYACHANDRAN, J.

rpl

Crl.O.P.No.11638 of 2019

01.11.2022