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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.23981 and 25994 of 2021 and 2851 of 2022

Crl. O.P. No.23981 of 2021:

1.Arunkumar
2.Chithra
3.Santhi

...Petitioners /A1 to A3

Versus

1.State Rep. by its,
The Inspector of Police,
Arcot Town Police Station,
Arcot,
Vellore District.
(Crime No.142 of 2017)

...R1/Complainant

2.Nithya

...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to the case in C.C. No.55 of 2019 pending Trial on the file of the Judicial Magistrate, Arcot, Vellore District and quash the same.

Crl. O.P. No.25994 of 2021:

1. Arunkumar
2. Santhi
3.Chithra

...Petitioners/A1 to A3

Versus

1.State Rep. by its,
The Inspector of Police,
W-5, All Women Police Station,
Veperiy,
Chennai - 600 007.
(Crime No.8 of 2016)

...R1/Complainant



2.A.Nithya

...Respondent No.2/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to the case in C.C. No.6 of 2019 pending Trial on the file of the Additional Mahila Court, Metropolitan Magistrate, Egmore and quash them same.

Crl. O.P. No.2851 of 2022:

Nithya

...Petitioner/Accused 1

Versus

1.State Rep. by its,
The Inspector of Police,
Arcot Town Police Station,
Arcot, Vellore District.
(Crime No.139 of 2017)

...R1/Complainant

2.Arunkumar

...Respondent No.2/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to F.I.R registered as Crime No.139 of 2017 on the file of the first respondent police and quash the same.

For Petitioners

In Crl.O.P.Nos.23981
and

25994 of 2021

: Mr.K.G.Senthilkumar

For Petitioner

In Crl.O.P.No.2851 of 2022

: Mr.K.T.S.Sivakumar

For Respondent-1

In all Crl.O.Ps

:Mr.E. Raj Thilak

Additional Public Prosecutor

C O M M O N O R D E R

The petitioners/ A1 to A3, who are facing Trial in C.C. No.6 of 2019 on the file of the Additional Mahila Court, Metropolitan Magistrate, Egmore for the offences under Sections 498(A), 494, 406 and 506(Part-II) of I.P.C, filed Criminal Original Petition



No.25994 of 2021 seeking to quash the same. The first petitioner is the erstwhile husband of the second respondent and the second petitioner is the mother-in-law of the second respondent and the third petitioner is the second wife of the first petitioner. The de-facto complainant is the erstwhile wife of the first petitioner.

2. The petitioners/ A1 to A3, who are facing Trial in C.C. No.55 of 2019 on the file of the Judicial Magistrate, Arcot, Vellore District for the offences under Sections 294(b), 323 and 506 (Part-II) of I.P.C. filed Criminal Original Petition No.23981 of 2021 seeking to quash the same. The first and second petitioners are husband and wife. The second respondent is the erstwhile wife of the first petitioner. The third petitioner is the mother-in-law of the second respondent.

3. Criminal Original Petition No.2851 of 2022 is filed by A1 seeking to quash Crime No.139 of 2017 pending investigation on the file of the first respondent Police for the offences under Sections 147, 148, 447, 294(b), 323, 324, 379, 506(Part-II) of I.P.C read with Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The petitioner is the erstwhile wife of the de-facto complainant. The de-facto complainant lodged a complaint against the petitioner and fifteen other family members. In such circumstances, a counter case was registered by the said Nithya against her erstwhile husband and his family members in Crime No.142 of 2017. It is a matrimonial dispute between the erstwhile husband and his estranged wife, namely, Nithya and her entire family members have been arrayed as accused persons in Crime No.139 of 2017. Now, the issue has been resolved and the de-facto complainant has come forward to compromise the case against the accused persons.

4. After deliberations, both the parties agreed to give a quietus to all criminal proceedings and filed mutual consent divorce petition in H.M.O.P.No.187 of 2021 under Section 13-B of Hindu Marriage Act before the III Additional Family Court, Chennai, The case is posted for final orders on 24.02.2022, on which date, the divorce would be granted. One of the terms of the Agreement was that apart from exchanging articles, further to give a quietus to all the criminal proceedings pending against each other, now both parties are agreeing for quashing of all the complaints and cases against each other. In view of the same, this Court is inclined to quash both C.C. No.6 of 2019 pending Trial on the file of the Additional Mahila Court, Metropolitan Magistrate, Egmore and C.C. No.55 of 2019 pending



Trial on the file of the Judicial Magistrate, Arcot, Vellore District and F.I.R in Crime No.139 of 2017 pending investigation on the file of Inspector of Police, Arcot Town Police Station. Though quash petition in Crl.O.P.No.2851 of 2022 is filed by A1 alone, in view of the matrimonial dispute and both erstwhile partners now decided to give quietus to all the criminal proceedings and to start their new life independently and separately, further the other accused in F.I.R in Crl.O.P.No.139 of 2017 are all relations of A1, who are similarly placed, this Court quashes F.I.R against all the other fifteen accused. In fine, F.I.R in Crl.O.P. No.139 of 2017 is hereby quashed.

5. In the result, the Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C. No.6 of 2019 and C.C. No.55 of 2019 and F.I.R in Crime No.139 of 2017 are quashed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

ab/srn

To

1. The Judicial Magistrate,
Arcot,
Vellore District
2. The Additional Mahila Court,
Metropolitan Magistrate,
Egmore
3. The Inspector of Police,
Arcot Town Police Station,
Arcot,
Vellore District.
4. The Inspector of Police,
W-5, All Women Police Station,
Vepery,
Chennai - 600 007.



5.-Do- Thro' The Chief Judicial Magistrate,
Vellore.

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6. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.G.Senthilkumar, Advocate Sr.7279 and 7278

+1cc to Mr.K.T.S.Sivakumar, Advocate Sr.7514

Crl.O.P.Nos.23981 and 25994 of 2021
and 2851 of 2022

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srg 23/02/2022