



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.24887 of 2021

and

Crl.M.P.Nos.13711 and 13712 of 2019

- 1.Kannan
- 2.Dinesh
- 3.Sathish
- 4.Ramadevi
- 5.Vennila

...Petitioners/Accused Nos.1 to 5

-vs-

- 1.State rep. by
The Inspector of Police,
M-5, Ennore Police Station (L&O),
Chennai - 600 019.
(Crime No.2647 of 2012)

...1st Respondent/Complainant

- 2.M.Kameshwaran

...2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records of the case in S.C.No.344 of 2016 on the file of the learned Additional District and Sessions Judge-IV, Tiruvallur District at Ponneri filed by M-5, Ennore P.S. in Crime No.2647 of 2011 and quash the Charges framed by the learned trial Court and all the further proceedings in the above case.

For Petitioner	: Mr.S.Manimaran
For Respondent 1	: Mr.L.Baskaran Government Advocate (Crl. Side)
For Respondent 2	: Mr.R.Chandrasekaran

ORDER

This Criminal Original Petition is filed to quash all the proceedings in S.C.No.344 of 2016 on the file of the learned Additional District and Sessions Judge-IV, Tiruvallur District at Ponneri.



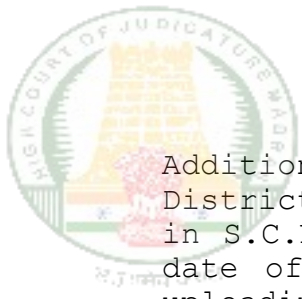
2.It is the contention of the learned Counsel for the Petitioners that the Petitioners were arrayed as Accused Nos.1 to 5 in S.C.No.344 of 2016 before the learned Additional District and Sessions Judge-IV, Tiruvallur District at Ponneri. Prior to that, there had been dispute between the husband and wife based on which Domestic Violence Original Petition was filed. Pending Domestic Violence Original Petition, the matter was referred to Lok Adalat where the dispute was settled. The learned Counsel for the Petitioners invited the attention of this Court to the Lok Adalat proceedings which is annexed in the typed set of papers. Further, the learned Counsel for the Petitioners submitted that OP No.3637 of 2018 was also filed on the file of the Family Court, Chennai. Based on the Lok Adalat settlement, the parties, husband and wife, have agreed to file a fresh Petition for divorce by consent. Accordingly, divorce was also granted by consent in O.P.No.3637 of 2008, dated 28.09.2020. In the backdrop of the above developments, the learned Counsel for the Petitioners seeks to quash S.C.No.344 of 2016 on the file of the learned Additional District and Sessions Judge No.IV, Tiruvallur District at Ponneri.

3.Mr.L.Baskaran, learned Government Advocate (Crl. Side) appearing for the first Respondent submitted that the case is pending on the file of the learned Additional District and Sessions Judge No.IV, Tiruvallur District at Ponneri where copies had been furnished and charges were framed.

4.Mr.R.Chandrasekaran, learned Counsel for the second Respondent/De-facto Complainant vehemently opposed the submission of the learned Counsel for the Petitioner seeking to quash the Sessions Case on the ground that the origin of the case is the Sessions Case wherein the second Respondent was brutally attacked. Based on the injuries suffered by her, the complaint was lodged resulting in registration of the case and laying of the final report against the Petitioners herein who were arrayed as Accused for offence under Sections 147, 148, 341, 326 and 307 of IPC.

5.Considering the vehement objection of the learned Counsel for the second Respondent/De-facto Complainant, the sessions case particularly involving offence under Section 307 of IPC cannot be quashed, in the light of the divorce decree granted by the Family Court, Chennai, by consent and in the light of the settlement of the Domestic Violence Act case before the Lok Adalat. The vehement objection made by the second Respondent/De-facto Complainant is found justifiable considering the injuries suffered by the second Respondent.

6.In the light of the above discussion and in the light of the submission of the learned Government Advocate (Crl. Side), this Criminal Original Petition is dismissed. The learned



Additional District and Sessions Judge No.IV, Tiruvallur District at Ponneri is directed to dispose of the Sessions Case in S.C.No.344 of 2014 within a period of three months from the date of receipt of a copy of this order or from the date of uploading this order in the website of this Court. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

SRM

To

1. The Additional District and Sessions Judge No.IV,
Ponneri, Tiruvallur District.
2. The Inspector of Police,
M-5, Ennore Police Station (L&O),
Chennai - 600 019.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Swami Subramanian, Advocate SR. No. 36082
+1cc to Mr.R.Chandrasekaran, Advocate SR. No. 36233

CrI.O.P.No.24887 of 2021

NRL (CO)
PR (07/07/2022)