



WEB COPY



CrI.O.P.No.18181 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18181 of 2023
and
CrI.M.P.Nos.12053 & 12055 of 2023

Premalatha

...Petitioner

vs.

1.State rep by
Inspector of Police,
All Women Police Station,
Coonoor

2.S.Bagyalakshmi

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings pending in CC.No.1 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor and quash the same.

For Petitioner : Mr.M.Sasikumar
For Respondent : Mr.A.Gopinath,
Government Advocate, for R1



Crl.O.P.No.18181 of 2023

ORDER

WEB COPY

This criminal original petition has been filed to quash the proceedings in C.C.No.1 of 2016 pending on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor.

2. Based on the complaint given by the second respondent, an FIR came to be registered in Crime No.8 of 2012 against the two accused persons for offence under Sections 498A and 406 of IPC and Section 4 of the Dowry Prohibition Act. The petitioner was arrayed as A2 in the FIR. The investigation was completed and the final report was filed before the learned Judicial Magistrate, Fast Track Court, Coonoor. The case was split up and the trial was conducted only as against A1 in C.C.No.1 of 2019.

3. There was a settlement between the parties and the same was taken into consideration by the trial Court while passing judgement dated 28.08.2019 and the criminal proceedings as against A1 was brought to an end and A1 was acquitted from all the charges.

4. The petitioner (A2) approached this Court and filed Crl.O.P.No.22823



CrI.O.P.No.18181 of 2023

of 2021 seeking to quash the proceedings, which was split up and pending against the petitioner in C.C.No.1 of 2016. This Court dismissed the petition by an order dated 29.07.2022 since a non-bailable warrant was pending against the petitioner.

5. The petitioner filed a petition under Section 70(2) of CrPC seeking to re-call the warrant and the warrant was re-called by the learned Judicial Magistrate, Fast Track Court, Coonoor. Thereafter, the present petition has been filed seeking to quash the proceedings.

6. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

7. It is seen from the records that the matter has already been compromised between the second respondent and her husband (A1). The proceedings as against A1 was also brought to an end by the judgement made in C.C.No.1 of 2019 dated 28.08.2019. It is also seen that the Domestic Violence proceedings that was initiated also came to an end by order dated 08.08.2019 by the learned Judicial Magistrate, Fast Track Court, Coonoor. Hence, the continuation of proceedings against the petitioner will only lead to abuse of



CrI.O.P.No.18181 of 2023

process of law, which requires interference of this Court exercising its

jurisdiction under Section 482 of CrPC.

8. In the result, the proceedings in CC.No.1 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor is quashed. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are also closed.

16.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

- 1.The Judicial Magistrate,
Fast Track Court, Coonoor.
- 2.The Inspector of Police,
All Women Police Station,
Coonoor.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.18181 of 2023

N. ANAND VENKATESH, J.

nsa

CrI.O.P No.18181 of 2023
and CrI.M.P.Nos.12053 & 12055 of 2023

16.08.2023