



Crl.O.P.No.3205 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3205 of 2021

and

Crl.M.P.Nos.1823 and 1824 of 2021

1. C.Jayaraju
2. J.Jothi
3. Rajakumari
4. J.Kalaiselvi
5. J.Mahendiran
6. J.Nagarajan
represented by his Power Agent
J.Mahendiran

...Petitioners

-Vs-

1. The Inspector of Police,
All Women Police Station,
Ranipet.

2. N.Subashini

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the case in C.C.No.50 of 2014 on the file Judicial Magistrate No.II, Walajapet and quash the same.

For Petitioners	: Mr.K.Venkatasubban
For R1	: Mr.A.Gopinath
	Government Advocate (Crl.Side)
For R2	: Notice served, No appearance



Crl.O.P.No.3205 of 2021

ORDER

This Criminal Original Petition has been filed calling for the records relating to the case in C.C.No.50 of 2014, on the file of the learned Judicial Magistrate No.II, Walajapet and to quash the same.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

3. The second respondent is the defacto complainant and lodged a complaint. On receipt of the complaint, the first respondent registered an FIR in Crime No.33 of 2013 for the offences under Sections 498(A), 406 and 506(ii) of IPC and Sections 4 and 6 of Dowry Prohibition Act. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.50 of 2014, on the file of the learned Judicial Magistrate No.II, Walajapet.

4. The crux of the allegation is that the second respondent got married with the 6th petitioner herein, on 20.05.2009. At the time of marriage, the second respondent was presented with jewels, silver articles and house hold articles by her parents. The marriage expenses



Crl.O.P.No.3205 of 2021

were also spent by them. After marriage, the defacto complainant and her husband had settled in U.S.A and continued their matrimonial life. They gave birth to a female child on 06.02.2012. Thereafter, due to misunderstanding, they got separated and the defacto complainant lodged a complaint.

5. A perusal of records revealed that the second respondent herself deserted the 6th petitioner and went to her parents' house. Therefore, the 6th petitioner herein filed a divorce petition in H.M.O.P.No.129 of 2013. As a counter blast, the second respondent lodged the present complaint. Pending divorce petition, there was a compromise entered between the 6th petitioner and the second respondent and accordingly, she had agreed to receive a sum of Rs.20,00,000/- as full and final settlement and also had undertaken to give consent for divorce and to withdraw the present case including the other complaints registered in Crime Nos.217, 218 and 245 of 2014. Accordingly, they had entered into a memorandum of compromise. As per the memorandum of compromise, after receipt of the entire sum of Rs.20,00,000/-, the second respondent had withdrawn other complaints except the present proceedings which is under challenge. The petitioners also produced the acknowledgment for the amount of



Crl.O.P.No.3205 of 2021

Rs.20,00,000/- received by the second respondent. Based on the compromise, the divorce petition filed by the 6th petitioner was allowed by the Judgment and Decree dated 27.08.2015, thereby desolved the marriage took place on 20.05.2009 between the 6th petitioner and the second respondent. However, the second respondent failed to co-operate for withdrawal of the present proceedings.

6. Though notice served on the second respondent and the name has been printed in the cause list, today, no one appeared on behalf of the second respondent in person or through pleader. It shows that the second respondent is not interested to proceed with the case as against the petitioners, since already the matter has been settled between them.

7. In view of the above, the proceedings in C.C.No.50 of 2014, on the file Judicial Magistrate No.II, Walajapet cannot be sustained and it is liable to be quashed. Accordingly, the proceedings in C.C.No.50 of 2014, on the file Judicial Magistrate No.II, Walajapet is hereby quashed.



Crl.O.P.No.3205 of 2021

8. Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected Miscellaneous petitions are closed.

17.10.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

mn

To

1. The Judicial Magistrate No.II,
Walajapet.
- 2.The Inspector of Police,
All Women Police Station,
Ranipet.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J.



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Crl.O.P.No.3205 of 2021

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