

Madras High Court

Kumar @ Sampathkumar vs State on 11 December, 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11/12/2006

CORAM

THE HONOURABLE MR.JUSTICE R.REGUPATHI

Crl. OP. No.45245 of 2003
and
Crl. MP. No.627 of 2006

1. Kumar @ Sampathkumar
2. P.Chandrasekaran
3. Vijayalakshmi ..Petitioners.

Versus

1. State,
rep. By
The Inspector of Police,
All Women Police Station,
Kancheepuram.
2. Sumathi ..Respondents.

Prayer:

Petition filed under Section 482 Cr.P.C, seeking to call for the records relating to C.C

For Petitioners : Ms.A.L.Gandhimathi

For Respondents : Mr.P.Kumaresan, Addl. Public Prosecutor (R1)
Mr.M.B.Gopalan (R2)

O R D E R

The petitioners are accused for an offence punishable under Section 498A IPC originally on the file of the first respondent police and subsequently on the file of the Inspector of Police, All Women Police Station, Chennai. On conclusion of the investigation, final report has been filed and it is pending in C.C.No.135 of 2002 on the file of the learned Judicial Magistrate II, Chengalpattu.

2. The petitioners have filed a petition to quash the proceedings in Crl.O.P.No.45245 of 2003 and the same was taken on file and notice has been issued to the respondent. In such circumstances, the present petition has been filed under Section 320 Cr.P.C by both the parties. It has been stated that the dispute between the defacto complainant and the accused has been settled. The complainant has received a sum of Rs.3,50,000/- as future maintenance and also has submitted that the sreedhana articles including the jewels have been received. The parties have agreed to dissolve the marriage by mutual consent and such petition has also been filed under Section 13(b) of Hindu Marriage Act. Initially a divorce petition was filed by the first petitioner and it was allowed. Aggrieved against a CMA has been filed and it is pending before this Hon'ble Court. Pending CMA, a new petition has been filed to dissolve the marriage by consent. In such circumstances, the first and second petitioners were present in Court. The defacto complainant is also present. I have enquired with the defacto complainant, who confirms the receipt of future maintenance and sreedhana properties and further submitted that she is willing to compromise the dispute.

3. I have heard the learned Additional Public Prosecutor in this regard and I have perused the materials available on record.

4. As the dispute between the defacto complainant and the accused has been settled, I find that there may not be any use in continuing the prosecution pending in C.C.No.136 of 2002 on the file of the learned Judicial Magistrate, Chengalpattu. The offence is under Section 498 A IPC, which is non compoundable. However, the Supreme Court has held that by invoking inherent powers of this Hon'ble Court and if the parties have compromised the dispute, the offence may be allowed to be compounded. In such circumstances, in view of the facts and circumstances of the case, the offence is allowed to be compounded and the accused are acquitted. Accordingly, the proceedings pending in C.C.No.136 of 2002 is quashed. The petition is ordered accordingly. Consequently, connected Crl.M.P.No.627 of 2006 is closed.

csh To

1. The Judicial Magistrate II, Chengalpattu.

2. The Inspector of Police, All Women Police Station, Kancheepuram.