



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2015
CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

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CrI.O.P. (MD) No.4689 of 2015

G.Sureshkumar ... Petitioner/Sole Accused

Vs.

1. The State through its
Sub-Inspector of Police,
Kovilpatti West,
Kovilpatti,
Thoothukudi District.

2. Athilakshmi ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to quash the proceedings in C.C.No.47 of 2013, which is pending on the file of the learned Judicial Magistrate No.I, Kovilpatti and pass such other and further orders as this Court may deem fit and proper to the facts and circumstances of the case.

For Petitioner : Mr.P.Sepana Alias Sree

For R1 : Mr.K.Anbarasan
Govt. Advocate (CrI.side)

For R2 : Mr.K.Sudalaiyandi

O R D E R

The petition has been filed to call for the records relating to the final report filed in C.C.No.47 of 2013 on the file of the Judicial Magistrate No.I, Kovilpatti, and quash the same as illegal.

2. On a complaint filed by the wife/2nd respondent, the first respondent after investigation has filed charge sheet for offences under Sections 294(b), 323 and 506(ii) IPC. Such case is now pending in C.C.No.47 of 2013 on the file of the learned Judicial Magistrate I, Kovilpatti. A compromise memo has been filed stating that the petitioner and the second respondent have resolved all the disputes between them and they applied for mutual consent divorce and the same is likely to be disposed off.

3. Considering the circumstances and the decision of the Honourable Apex Court in *B.S.Joshi and others Vs. State of Haryana and another* AIR 2003 SCC 1386 wherein it is held that it is the duty of the Court to encourage genuine settlement of matrimonial disputes, this Court allows this petition.



4. Accordingly, the proceedings in C.C.No.47 of 2013 on the file of the Judicial Magistrate No.I, Kovilpatti, shall stand quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

\\True copy\\

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Sub Assistant Registrar

To,

1. The Judicial Magistrate No.I, Kovilpatti

2. The Sub-Inspector of Police, Kovilpatti West, Kovilpatti,
Thoothukudi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO M/S.P.SEPANA ALIAS SREE, ADVOCATE SR.NO.12248

CRL.O.P (MD) .No.4689 of 2015
12.03.2015

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