

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.26497 of 2016

and

Crl.M.P.No.13251 of 2016

1.K.Mohamed Naushad
2.Khaja Mohideen
3.Sheerin
4.Hussain

... Petitioners

Vs

1. The State of Tamil Nadu, rep. by
Inspector of Police,
W6, All Women Police Station,
Ayanavaram, Chennai.

2. F.Shameema

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records and quash the CC No.646 of 2015
on the file of X Metropolitan Magistrate, Egmore (Allikulam),
Chennai.

For Petitioners : Mr.S.V.Pravin Rathinam

For R1 : Mr.C.Emalias,
Additional Public Prosecutor

For R2 : M/s.F.Shameena
Party in person

ORDER

The present criminal original petition has been filed to
call for the records in CC No.646 of 2015 on the file of the X
Metropolitan Magistrate, Egmore, Chennai and quash the same.

2. Today, when the matter came up for hearing, the first
petitioner/A1 and the second respondent/defacto complainant
along with the learned counsel for the petitioners are present.
They have submitted that the dispute between the parties was

amicably settled and they have filed a memorandum of compromise dated 12.12.2016, to that effect. When this Court also enquired the parties, particularly, the second respondent about the factum of the compromise and the terms of the compromise, they admitted the same.

3. The terms of the said memorandum of compromise read as follows:

"This memo has been filed to record the compromise made between the first petitioner/accused Mr.K.Mohamed Naushad and Mrs.F.Shameema, second respondent/ defacto complainant cum wife of afore said Mr.K.Mohamed Naushad.

1.Both the above mentioned parties filed this memo before this Court to record their compromise and to sort out amicably towards the litigation arise against the first petitioner husband and his family members against the second respondent/ defacto complainant wife owing to difference of opinion arise in their matrimonial life, which have disrupted the peace and harmony of their family and its relations.

2.Thus, after their separation since September, 2013 after all the efforts of our well wishers and family members, both of them stepped out of their egos and regret for each other.

3.Both the aforesaid 1st petitioner husband and the second respondent wife had compromised already they resolved the above mentioned dispute by themselves and got rejoined by living together.

4.Thus, defacto complainant wife allegedly submit that the complainant gave over her husband and his family members returned again as a boomerang effect, by means of summons dated 19.09.2016 to her husband and his family members from the X Magistrate Court, Egmore (Allikulam), Chennai for attend the hearing on 25.10.2016.

5.The defacto complainant wife sincerely submit that at the time of our reunion, this case will again rake into further trouble between us in our peaceful life to be lead in future.

Hence, both the first petitioner and the second respondent humbly request this Hon'ble Court by considering this compromise memo along with affidavit filed by the second respondent and pleased this Hon'ble Court to call for the records and quash the above mentioned CC No.646 of 2015 on the file of the X Metropolitan Magistrate Court, Egmore (Allikulam), Chennai."

4. In view of the above, this petition is allowed and the criminal proceedings in CC No.646 of 2015 on the file of the X Metropolitan Magistrate, Egmore (Allikulam), Chennai is quashed. The Memorandum of Compromise dated 12.12.2016 filed by the parties, is taken on record. Consequently, connected Miscellaneous Petition is closed.

(Xerox copy of Memo of Compromise
is attached herewith)

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rk

To

- 1.The X Metropolitan Magistrate,
Egmore (Allikulam), Chennai.
- 2.The Inspector of Police,
W6, All Women Police Station,
Ayanavaram, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.S.V.Pravin Rathinam, Advocate, S.R.No.73489

CrI.O.P.No.26497 of 2016

PA(CO)
CA(18/01/2017)

सत्यमेव जयते

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