



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.12704 of 2019
and CrI.M.P.No.6842 of 2018

1.Gokila
2.Manisankar
3.Moganasundari
4.Suburayan

...Petitioners

Vs.

1.State rep. by The Inspector of Police,
All Woman Police Station,
Namakkal District.
Crime No.1 of 2016

2.Shanmugapriya

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash all the proceedings in C.C.No.51 of 2018 on the file of the Judicial Magistrate, Rasipuram, Namakkal District.

For Petitioners: Mr. B.Vasudevan

For Respondents

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.V.Balaji

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.51 of 2018 on the file of the learned Judicial Magistrate, Rasipuram, Namakkal District, pursuant to the compromise arrived at by the parties.

2.The case in C.C.No.51 of 2018 is pending before the Court below for trial. By passage of time, the parties have decided to



bury their hatchet and compromise the dispute amicably among themselves.

3.The defacto complainant has filed an affidavit before this Court, which was signed by the defacto complainant and also by her counsel. All the parties are present and identified by their respective counsel and the Police. The defacto complainant has produced the copy of the Aadhaar Card, which was made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.The relevant portion of the affidavit filed by the defacto complainant viz., Shanmugapriya, is extracted hereunder:

"4.I submit that dispute between my husband and me is compromised at the advise of well wishers of my family members.

5.I submit that I am willing to withdraw the above case in C.C.No.51 of 2018 on the file of the Judicial Magistrate, Rasipuram, Since the matter is settled between us, I further submit that I have filed divorce petition before the Family Court, Namakkal in HMOP.No.96 of 2019.

6.I submit that I have received Rs.2 Lakhs towards past, present, future, maintenance through Bank of Baroda (Namakkal Vallipuram Branch) Demand Draft No.569465 dated 24.04.2019 as per settlement. I submit that it is necessary to quash all the proceedings in C.C.No.51 of 2018 on the file of the Judicial Magistrate, Rasipuram, since the matter is compromised. The dispute among us is arised in matrimonial issues, now dispute is solved."

5.Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.51 of 2018 on the file of the Judicial Magistrate, Rasipuram, Namakkal District, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.51 of 2018 on the file of the Judicial Magistrate, Rasipuram, Namakkal District.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.51 of 2018, on the file the Judicial Magistrate, Rasipuram, Namakkal District is quashed and the terms of Compromise shall form part and parcel of this Order. Each of the petitioners shall pay a sum of Rs.5,000/-, as costs, to the "Udavum Karangal" No.460, 25th



Street, N.S.K.Nagar, Arumbakkam, Chennai-600 016. Phone Nos.9144 26216321, 26216421, 26222161 within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

***Enclosed Xerox copy of the affidavit of the 2nd Respondent dated 26.04.2019.**

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
All Woman Police Station,
Namakkal District.

2.The Judicial Magistrate,
Rasipuram, Namakkal District.

3.do Thro The Chief Judicial Magistrate,
Namakkal.

4.The Public Prosecutor,
High Court, Madras.

Copy to:

1.The Incharge,
Udavum Karangal, No.460, 25th Street,
N.S.K.Nagar, Arumbakkam, Chennai-600 016.

2. The Section Officer,
Criminal Section,
High Court, Madras

3.The Registrar(Judicial),
High Court, Madras.

+lcc to Mr.B.Vasudevan, Advocate sr.41202

Cr1.O.P.No.12704 of 2018

gj(co)
nr 07/11/2019