

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12548 of 2020

Pradeep
S/o.Late Govindasamy,
No.5,Chenniyangiri Valasu,
Mukasidariyur,
Erode-638 051.

...Petitioner

-Vs-

1.State Rep. By,
The Inspector of Police,
Perur Police Station,
Coimbatore.
Crime No.5 of 2016.

2.M.Saranya

3.M.Shakila

4.Dilip Kumar

... Respondents

(R2 to R4 are impleaded as per order in
Crl MP.No.5020/2020 in Crl.O.P.No.12548/2020
dated 21.08.2020)

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the proceedings in C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.I, Coimbatore against the petitioner.

For Petitioner : **Mr.G.R.Deepak**

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records and to quash the proceedings in C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.I, Coimbatore against the petitioner.

2. The learned counsel for the petitioner submits that the petitioner and the second respondent had married on 27.08.2015, thereafter difference of opinion has arose between the petitioners family and the complainant family. Therefore, the defacto complainant gave four different cases viz. C.C.No.119 of 2016, D.V.A.No.346 of 2019, M.C.No.44 of 2016 and FIR in Crime No.111 of 2017 and the same are pending. He would also submit that the petitioner and his family members have entered into a Memorandum of Understanding with the second respondent and her family members dated 29.07.2020. Therefore, the present complaint cannot be sustained as against the petitioner.

3. A Memorandum of understanding has been filed before this Court which have been signed by the petitioner and the ***respondents 2 to 4 they also filed affidavit by parties.**

4. Under such circumstances, no useful purpose will be served in keeping the C.C.No.119 of 2016 pending, 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the C.C.No.119 of 2016 in Crime No.5 of 2016.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.I, Coimbatore is quashed and the terms of Memorandum of Understanding shall form part and parcel of this Order.

*herein Enclosed the xerox copy of Memorandum of Understanding.

Sd/-
Assistant Registrar(CO)

***corrected as per order of
this Court for being mentioned
dated 22.09.2020
and made in CrI.OP.No.12548 of 2020**

**-s/d-
Assistant Registrar(CO)
Dated-01/10/2020
//True Copy//**

Sub Assistant Registrar

To

1. The learned Judicial Magistrate No.I,
Coimbatore.

2.The Inspector of Police,
Perur Police Station,
Coimbatore.
Crime No.5 of 2016.

3. The Public Prosecutor,
High Court, Madras.

**to be substituted
For the order already
despatched on 21.09.2020**

+1cc to Mr.G.R.Deepak, Advocate Sr.27968

CrI.O.P.No.12548 of 2020

ks[co]
srg 21/09/2020
A.SK(05/10/2020)