

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.NO.29161 OF 2018

AND

CRL.M.P.NO.17067 OF 2018

1.Ajiz Ahamed
2.Shama Begam

...Petitioners

Vs.

1. State Rep.by
The Inspector of Police
W-7, All Women Police Sation,
Anna Nagar, Chennai - 600 040.
Cr.No.3 of 2016.

2. Yasmeen Sultana S

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records and quash the proceedings in C.C. No.161 of 2017 on the file of the learned Additional Mahila Court, Allikulam Chennai.

For Petitioners : Mr.Mohammed Fayaz Ali
For Respondents : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor
: Mr.K.P.Gopalakrishnan for R2

ORDER

This Criminal Original Petition has been filed by the Accused Nos. 2 and 3 to call for records and quash the proceedings in C.C. No.161 of 2017 on the file of the Additional Mahila Court, Allikulam Chennai.

2. Based on the complaint lodged by the second respondent, the first respondent has registered an FIR in Cr.No.3 of 2016 against the petitioners herein and after investigation filed a charge sheet under Sections 498(A) and 406 IPC and based on the same a case was taken on file as CC.No.161 of 2017 on the file of the Additional Mahila Court, Allikulam, Chennai.

3. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A joint compromise memo dated 20.01.2020 has been filed by the Petitioners/Accused Nos.2 and 3 and the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent also present in person before this Court and they are identified by the first respondent. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and the same are made part of the record. In the compromise memo, it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in C.C. No.161 of 2017. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case pending against the petitioners. Even though, the offence involved is 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 is inclined to exercise its jurisdiction under Section 482 Cr.P.C. and quashes the Case in C.C. No.161 of 2017 on the file of the learned Additional Mahila Court, Allikulam Chennai, against the petitioners herein/ A2 to A3 alone.

6. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C. No.161 of 2017 on the file of the learned Additional Mahila Court, Allikulam Chennai, is hereby quashed as against the petitioners herein (A2 and A3) alone and the terms of Compromise Memo shall form part and parcel of this order. The learned Additional Mahila Court, Allikulam Chennai, shall proceed with the case as against A1. Consequently, connected Miscellaneous Petition is closed.

* Xerox copy of Compromise Memo filed
by Petitioner and Respondent enclosed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

drl

To

1. The The Inspector of Police
W-7, All Women Police Sation,
Anna Nagar, Chennai - 600 040.
2. The Public Prosecutor,
High Court, Madras.
3. The Additional Mahila Court,
Allikulam, Chennai.

+1cc to Mr.Mohammed Fayaz Ali, Advocate, S.R.No.3696

+2cc to Mr.K.P.Gopalakrishnan, Advocate, S.R.No.3756

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&
Crl.M.P.No.17067 of 2018

SJ(CO)
CS/20/02/2020



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