



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.20419 of 2021

S.D.Aneesh Kumar

..Petitioner

Versus

1. Mrs.S.Gayathri

2. State Rep By, Inspector Police,
W-27-All Woman Police Station,
Vadapalani, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records and quash the charge sheet in C.C.No.145/2019 on the file of Judicial Magistrate I Poonamallee.

For Petitioner : Mr.K.Pasupathy

For Respondents : Mr.E.Raj Thilak (R2)
Additional Public Prosecutor
R.Murali (R1)

O R D E R

This petition has been filed by the petitioner/accused to call for records and quash the charge sheet in C.C.No.145/2019 on the file of Judicial Magistrate I Poonamallee.

2. The case of the prosecution is that the petitioner is the estranged husband of the de-facto complainant and the de-facto complainant has faced torture and threat at the hands of her husband, due to which she was forced to get out from her matrimonial home and started living in the hostel and thereafter she lodged a complaint against him, which was registered in Crime No.13 of 2018 and taken on file in C.C.No.145 of 2019 on the file of the Judicial Magistrate I Poonamallee and the same is pending.



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

4. In the Affidavit filed in support of this petition, it is stated that both the parties agreed to dissolve their marriage which took place on 11.07.2016 and filed a Divorce petition by Mutual content in O.P.(HMA)No.1457/2020. It is further stated that they entered into Memorandum of understanding with each other to settle their claim. The petitioner and the second respondent/defacto complainant were also present before this Court. This Court also enquired both the parties and was 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 First Information Report pending, even though, the offences involved are 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 Gujarat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.145 of 2019, on the file of learned Judicial Magistrate -1 , Poonamallee.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.145 of 2019, on the file of the learned Judicial Magistrate -1 , Poonamallee, is quashed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

arr

To

1. The Judicial Magistrate I,
Poonamallee.

2. The Metropolitan Magistrate,
Egmore, Chennai.



3.The Inspector Police,
W-27-All Woman Police Station,
Vadapalani, Chennai.

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.Pasupathy, Advocate SR.No.61382

Cr1.O.P.No.20419 of 2021

RGN(CO)
CB(20/12/2021)