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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16294 of 2021

and

Crl.M.P.No.8834 & 8836 of 2021

S.Imitiaz Ahamed

... Petitioner

Versus

1.State Rep.by
Inspector of Police,
W.22, All Women Police Station,
Mylapore, Chennai.

2.Zainab Sabira

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record relating to C.C.No.4000 of 2018 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.N.Iyyakannu

For Respondent : Mr.A.Damodaran,
No.1 Additional Public Prosecutor

ORDER

This petition has been filed to call for the record in C.C.No.4000 of 2018 on the file of XVIII Metropolitan Magistrate, Saidapet and quash the same.

2.The case of the prosecution as per the 2nd respondent is that the marriage between the petitioner and the 2nd respondent was held on 9.10.2008 and out of their wedlock, a girl child was born to them during 2010. In the month of October 2012, due to some matrimonial dispute, the 2nd respondent left her matrimonial home and live with her parents and thereafter during the year 2016, she preferred a complaint before the Commissioner of Police, which was forwarded to the 1st respondent for enquiry and on conclusion thereof, a case has been registered in C.C.No.4000 of 2018 under Section 498(A) and 427 IPC before the XVIII Metropolitan Magistrate, Saidapet.



3. The learned counsel for the petitioner submitted that pending C.C.No.4000 of 2018, the difference of opinion and misunderstanding in respect of the matrimonial dispute between the petitioner and the 2nd respondent has been settled and from the month of February 2020 onwards, the couples are living together with their girl child, leading a happy family life and to that effect, the 2nd respondent has also filed her supportive affidavit expressing her willingness to withdraw the case. He would further submit that the supportive affidavit filed by the 2nd respondent may be taken on record and they prayed for quashing the proceedings pending in C.C.No.4000 of 2018 before the XVIII Metropolitan Magistrate, Saidapet, Chennai, taking into consideration the fact that the matter has been amicably settled between the parties.

4. 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.

5. An Affidavit dated 4.8.2021 has been filed by the 2nd respondent/de-facto complainant before this Court seeking to quash the charge sheet filed in respect of C.C.No.4000 of 2018. The 2nd respondent and petitioner are present through Video conferencing. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues relating to the charge sheet in respect of C.C.No.4000 of 2018. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the case 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), 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 case in C.C.No.4000 of 2018, pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.4000 of 2018, pending on



the file of the learned XVIII Metropolitan Magistrate, Saidapet is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sms
To

- 1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai
- 2.The Inspector of Police,
W.22, All Women Police Station,
Mylapore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16294 of 2021
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srg 09/11/2021