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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15311 OF 2021
CRL.M.P.NOS.8367 & 8368 OF 2021

Prakash Singhi

... Petitioner

Vs.

1. State rep. by its
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu,
Chennai - 600 077.

2. Mrs.Rekha Surana

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.10 of 2021 in Crime No.17 of 2020 on the file of the Judicial Magistrate Court No.II at Poonamallee and quash the same as against the petitioner/accused.

For Petitioner : Mr.B.Suresh Singh

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

For R2 : Mr.T.Sri Krishna Bhagavat

O R D E R

This Criminal Original Petition is filed to call for the records in C.C.No.10 of 2021 in Crime No.17 of 2020 on the file of the Judicial Magistrate Court No.II at Poonamallee and quash the same as against the petitioner/accused.

2.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.

3.The gist of the case is that on 09.01.2020, at about 03.45 p.m., at Door No.189, Scram Academy, Perumal Koil Street,



Rajangkuppam, Iyyambakkam, Chennai - 600 095, the petitioner and his mother visited the school to meet his child and the second respondent herein came to the school to pick up his sister's son viz., Yaash and the second respondent had objected the petitioner i.e. husband of the second respondent's sister and his mother to meet his own child. Hence he used abusive language and slap the second respondent and tear her dress. Hence the complaint. Based on the complaint, the first respondent police registered a case against the petitioner herein for the alleged offence under Sections 294(b), 323, 506 (1) and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.17 of 2020. On completion of investigation, the first respondent had filed a final report against the petitioner herein, which has been taken on file as C.C.No.10 of 2021 before the Judicial Magistrate No.II at Poonamallee.

4.In the mean time, the defacto complainant and the petitioner had decided to resolve their differences between them with the advice and mediation of their elders have decided to enter into the compromise without any coercion. Therefore, considering the family relations, both of them entered into a compromise and hence prayed this Court to acquit the petitioner from all the charges and all further proceedings in C.C.No.10 of 2021 in Crime No.17 of 2020 on the file of the Judicial Magistrate Court No.II, Poonamallee.

5.To that effect, the Compromise Memo dated 13.08.2021 entered between the petitioner and the second respondent. The petitioner and the second respondent present through Video conferencing and identified by Mr.N.Sivakumar [HC 35301], T5, Thiruverkadu Police Station. In the said memo it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.10 of 2021 on the file of the learned Judicial Magistrate No.II at Poonamallee. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6.The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

7.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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the charge



sheet in C.C.No.10 of 2021 on the file of the learned Judicial Magistrate No.II at Poonamallee.

8.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.10 of 2021 on the file of the learned Judicial Magistrate No.II at Poonamallee, is quashed on the terms of the Compromise Memo dated 13.08.2021, which shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Xerox copy of compromise memo is enclosed.

To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu,
Chennai - 600 077.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Suresh Singh, Advocate, S.R.No.47289

Crl.O.P.No.15311 of 2021
Crl.M.P.Nos.8367 & 8368 of 2021

VSN-II (CO)
PM/28/09/2021