



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17010 OF 2021

AND

CRL.M.P.NO.9310 OF 2021

N.Nagasudhan

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. by Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai.

2. G.V.Rashmika

... Respondents

PRAYER:-

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings against the petitioner in CC.No.2577 of 2021 pending on the file of the Learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.S.Giritharan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records and quash the proceedings against the petitioner in CC.No.2577 of 2021 pending on the file of the Learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that the marriage was held on 08.07.2019 between the petitioner and the defacto complainant. Prior to the marriage, the agreement between them was that both will go to Canada for their job. During the marriage, Sridhana articles were given. There was some



misunderstanding between them. Knowing about the misunderstanding between them, the parents of the defacto complainant questioned the petitioner's family on 03.09.2019 and they have abused in filthy language. Thereafter, they have abused and threatened the defacto complainant. At that time, the defacto complainant was pregnant. Hence, she left her matrimonial home. Thereafter, the petitioner came to the parents of the defacto complainant and took the defacto complainant and told her that if the defacto complainant aborts her foetus, they will go to Canada. Accepting the same, on 22.09.2019, the defacto complainant aborted her foetus but the petitioner did not come to Canada and cheated the defacto complainant. Hence, she lodged a complaint before the respondent police and a case has been registered in crime No.2 of 2020 for offences under Section 498 (A), 406 and 506(2) IPC. After completion of the investigation, the charge sheet was filed before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai and the same was taken on file in C.C. No.2577 of 2021.

3. The learned counsel for the petitioner submitted that subsequently, the petitioner and the second respondent/defacto complainant have entered into a compromise and amicably settled their issues, which is the subject matter of the case in C.C. No.2577 of 2021. Hence, the petitioner has filed this petition to quash the charge sheet in C.C.No.2577 of 2021.

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. A joint memorandum of compromise dated 02.09.2021 has been filed by the petitioner and 2nd respondent stating that the issue between them has been settled amicably and they are ready to give a quietus to the issue without any claim or counterclaim with each other. The petitioner and the second respondent appeared through video conferencing. This Court also enquired both the parties and 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 Gujrath), 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.2577 of 2021, pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.



7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2577 of 2021 pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, is quashed and the terms of memo of compromise shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sms

To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Giritharan, Advocate, S.R.No.48466

CRL.O.P.NO.17010 OF 2021 AND
CRL.M.P.NO.9310 OF 2021

RGN(CO)
PBS/03/12/2021