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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16925 OF 2021

1.R.Balamurugan
2.Ranganathan
3.Senthil

... Petitioners/Accused

Versus

1. The State rep by,
Inspector of Police,
W2-All Women Police Station,
Anna Salai, Chennai-600 002.

... Respondent/Complainant

2. S.Rahini

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the CC.No.8 of 2021 on the file of the learned Additional Mahila Court, Egmore and quash the same by allowing this criminal original petition.

For Petitioners : M/s.K.Sridevi

For R1 : Mr.A.Damodaran,
Additional Public Prosecutor

For R2 : M/s.A.Madhumathi

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.8 of 2021, on the file of the Additional Mahila Court, Egmore.

2.The case of the prosecution is that the 2nd respondent/defacto complainant is the wife of the 1st petitioner/A1 and his mother Vachala also one of the accused who



died on 10.06.2021. The 2nd petitioner is the father of the 1st petitioner and the 3rd petitioner is the brother-in-law of the 2nd petitioner. The marriage between the 2nd respondent and the 1st petitioner was solemnized on 26.02.2018 as per the Hindu Rites and Customs and they were leading the matrimonial life at Old No.29, New No.57, V.L.Vishala Plots, SMV Kovil Street, Triplicane, Chennai. Thereafter, the marital relationship between the 1st petitioner and the 2nd respondent became strained due to the misunderstandings and difference of opinion and are unable to live together in peace and harmony. Hence, the 2nd respondent left the matrimonial home during the month of November 2019 and started to reside with her parents. The 2nd respondent lodged a complaint with the 1st respondent Police and the same was registered in Crime No.2 of 2020, for offence under Sections 498(A), 323, 354(A)(i), 354(A)(iv), 354(c) and 506(i) IPC. After completion of investigation, charge sheet came to be filed before the learned Additional Mahila Court, Egmore, Chennai and same was taken on file as C.C.No.8 of 2021.

3.During the pendency of the above proceedings, the 1st petitioner and the 2nd respondent with the help of the elders of both the family had decided to dissolve the marriage on the ground of mutual consent. As such, the 1st petitioner and the 2nd respondent filed a petition under Section 13(b) of the Hindu Marriage Act, 1955 in H.M.O.P.No.2104 of 2021 and the same was ordered on 23.04.2021. As per the mutual consent divorce, the 2nd respondent agreed for closing the criminal case initiated on her complaint which is now pending before the learned Additional Mahila Court, Egmore, Chennai in C.C.No.8 of 2021.

4.A joint compromise memo dated 27.09.2021 has been filed before this Court. Today, the 2nd respondent appeared in person and gave consent for quashing of the proceedings against the petitioners. 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 proceedings, 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 proceedings in C.C.No.8 of 2021, on the file of the Additional Mahila Court, Egmore, Chennai.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.8 of 2021, on the file of the



Additional Mahila Court, Egmore, Chennai, is quashed against the petitioners.

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Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Additional Mahila Court,
Egmore, Chennai.
2. The Inspector of Police,
W2-All Women Police Station,
Anna Salai, Chennai-600 002.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Madhumathi, Advocate, S.R.No.51166

+2ccs to M/s.K.Sridevi, Advocate, S.R.No.50736

CRL.O.P.No.16925 of 2021

SR-II(CO)
RLP(01/11/2021)