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CRL.O.P.No.17567 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17567 of 2021

U.Boopathy

...
Vs.

Petitioner

1.The Inspector of Police,
Fairlands Police Station,
Salem City District,
(Crime No.149 of 2019).

2.Uma Maheswari

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to call for the records in SC No.88 of 2021 pending on the file of the Additional District Sessions Mahila Court at Salem and quash the same.

For Petitioner : Mr.V.Parthiban

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

For Respondent : Mr.M.Mohammed Saifullah
No.2



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ORDER

This petition has been filed to call for the records in SC No.88 of 2021 pending on the file of the Additional District Sessions Mahila Court at Salem and quash the same.

2. The case of the petitioner is that the second respondent viz., Uma Maheshwari become a friend of the petitioner in facebook social media and her husband Sivalingam suspected her activities and for that reason, the second respondent deserted her husband and living alone at Lotus Nagar, K.M.S.Garden, Salem. After that the relationship of the petitioner and the second respondent strengthened and later due to some misunderstanding between them on 30.08.2019 at about 03.45 p.m. at K.M.S.Garden when the second respondent was in her house the petitioner came there and uttered obscene word against her and took the cell phone charger wire for the purpose of throttle her neck and the second respondent pushed in down on the floor and came out. Based on



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the complaint given by the second respondent, the first respondent police registered a case in Crime No.149 of 2019 on 31.08.2019 for the offences under Sections 294(b), 307, 506(ii) IPC. After completion of the investigation, the charge sheet was filed before Additional Mahila Court, Salem, which was taken on file in S.C.No.88 of 2021.

3.The learned counsel for the petitioner submitted that subsequently, the petitioner and the 2nd respondent have entered into a compromise on 14.08.2021 and amicably settled their issues, which is the subject matter of the case in S.C. No. 88 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 compromise memo dated 14.08.2021 has been filed by the petitioner and 2nd respondent stating that the issue between



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them has been settled amicably between them without any third party influence or compulsion. The petitioner and the defacto complainant are appearing through video conferencing. 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 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in S.C.No.88 of 2021, pending on the file of the learned Additional Mahila Court, Salem.



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7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.88 of 2021 pending on the file of the learned Additional Mahila Court, Salem, is quashed and the terms of memo of compromise shall form part and parcel of this order.

Index: Yes/No
Internet: Yes/No
sms

28.10.2021

To

- 1.The Additional District Sessions Mahila Court,
Salem.
- 2.The Inspector of Police,
Fairlands Police Station,
Salem City District,
(Crime No.149 of 2019).
- 3.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.



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