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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.19947 OF 2021

AND

CRL.M.P.NO.10844 OF 2021

S.Jagadish

... Petitioner/Accused

Versus

1. The State Rep. by
The Inspector of Police,
All Women Police Station,
Coonoor, The Nilgiris.
(Crime No.5 of 2018)

... 1st Respondent/Complainant

2. Hemalatha

... 2nd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the C.C.No.52 of 2019 on the file of the Judicial Magistrate, Coonoor, The Nilgiris and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.A.Damodaran for R1
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the entire records pertaining to the C.C.No.52 of 2019 on the file of the Judicial Magistrate, Coonoor, The Nilgiris and quash the same.

2. The petitioner/accused and the second respondent/defacto complainant are husband and wife. After few months of marriage, some misunderstanding arose between the petitioner and the



second respondent and they started living separately since 2018 onwards. Thereafter, the above case came to be filed under Sections 498(A), 342, 326 and 324 IPC.

3. The respondent Police had completed the investigation and filed a final report in C.C.No.52 of 2019 on the file of the Judicial Magistrate, Coonoor, The Nilgiris, as against which, the quash petition has been filed.

4. The contention of the petitioner is that in the interregnum, the petitioner and the second respondent had entered into a compromise. As per the compromise, the petitioner has to pay a sum of Rs.10 lakhs to the second respondent and the same was paid during July, 2021. Thereafter, divorce was granted on mutual consent on 16.09.2021 in HMOP.No.47 of 2021. The petitioner and the defacto complainant admitted and confirmed the same. The mutual consent compromise deed will form part of record.

5. Finding the dispute to be matrimonial case, now both the petitioner and the second respondent/defacto complainant arrived at a settlement, the matrimonial case is closed, Marriage dissolved, nothing survives between them. Both have chosen their independent path of life. Hence, keeping C.C.No.52 of 2019 pending would serve no purpose. It would only amount to harassment and abuse of process of law. In view of the same, all further proceedings in C.C.No.52 of 2019 is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate,
Coonoor, The Nilgiris.
2. The Inspector of Police,
All Women Police Station,
Coonoor, The Nilgiris.
(Crime No.5 of 2018)



3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.56487

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VBM(CO)
PBS/03/01/2022