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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20470 OF 2021

John Prathab

... Petitioner/Accused

Vs.

1. State Rep.by the Inspector of Police,
All Woman Police Station,
Chengalpattu, (in Crime No.2 of 2014)

2. L.Sheeba

... Respondents/Complainants/Defacto Complainants

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records in Impugned Charge Sheet C.C.No.20 of 2014 on the file of the learned Additional Mahila Court, Chengalpattu, Kancheepuram and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.A.Damodaran
No.1

O R D E R

This petition has been filed to call for the records in Impugned Charge Sheet C.C.No.20 of 2014 on the file of the learned Additional Mahila Court, Chengalpattu, Kancheepuram and quash the same.

2.The case of the prosecution is that the defacto complainant is residing along with her husband for the past four months. Thereafter, defacto complainant got married to the petitioner herein on 31.05.2013 John Prathab son of Packiyaraj at St.John Bosco Church Coimbatore. While the matter is being so, there was difference of opinion between the petitioner and the defacto complainant. Further, the defacto complainant



stated that due to the dowry harassment, she has been in mental agony and in the month of August 2013, they shifted to Chennai even there also harassment made by the petitioner. Thereafter, the petitioner demanded the house situated at Bangalore and demanded sum of Rs.16,00,000/- due to this baby was aborted. Thereafter on 18.12.2018 the defacto complainant was tortured hectically by demanding the 25 sovereigns gold and grabbed the defacto complainant passport and other important documents and same was in the custody of the petitioner. In this regard, complaint has been lodged against the petitioner in crime No.2 of 2014 under Sections 498(A), 406 IPC and Section 4 of Dowry Prohibition Act. After completion of the investigation, the charge sheet was filed before the Judicial Magistrate, Additional Mahila Court, Chengalpattu on 26.03.2014 and the same was taken on file in C.C.No.20 of 2014.

3.The learned counsel for the petitioner submitted that subsequently, the petitioner and the 2nd respondent have entered into a compromise and amicably settled their issues, which is the subject matter of the case in C.C.No.20 of 2014. Hence, the petitioner has filed this petition to quash the charge sheet in C.C.No.20 of 2014.

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 Mutual settle agreement dated 29.11.2019 and an affidavit dated 11.09.2021 have been filed by the petitioner and 2nd stating that the issue between them has been settled amicably and the 2nd respondent/defacto complainant appeared before this Court and the petitioner is working in U.S.A. Hence, he is not appeared but he gave consent in the mutual agreement. This Court also enquired the 2nd respondent 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.20 of 2014, pending on the file of the learned Additional Mahila Court, Chengalpattu, Kancheepuram.



7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.20 of 2014 pending on the file of the learned Additional Mahila Court, Chengalpattu, Kancheepuram, is quashed and the terms of Mutual agreement shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Additional Mahila Court,
Chengalpattu, Kancheepuram.
2. The Inspector of Police,
All Woman Police Station,
Chengalpattu, (in Crime No.2 of 2014)
3. The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.S.M.A.Jinnah, Advocate, S.R.No.58086

CRL.O.P.No.20470 of 2021

KSM(CO)
RLP(06/12/2021)