



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.12139 of 2021

Fazil Khan

... Petitioner / Sole accused

Vs.

1. State rep. By,
The Inspector of Police,
Thallakulam police station,
Madurai City.
(Crime No.1255 of 2019)

... Respondent / Complainant

2. Ninammal

... Respondent / Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in C.C.No.257 of 2020 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same.

For Petitioner	: Mr.Navaneetha Raja
For R-1	: Mr.T.Senthil Kumar, Additional Public Prosecutor.
For R-2	: Mr.A.Mohamed Yusuf

O R D E R

This criminal original petition has been filed for quashing the proceedings in C.C.No.257 of 2020 on the file of the Judicial Magistrate No.II, Madurai.

2. The defacto complainant is none other than the mother-in-law. There was a difference of opinion between the petitioner and his wife and the petitioner's wife was with the second respondent. The petitioner came to take his wife back and in the process, the occurrence in question took place. At present, the petitioner and his wife Shakila Banu are residing together. If the impugned prosecution is alive, it will cast a cloud on their matrimonial life.

3. The defacto complainant Ninammal is present before this Court. She is identified by Mr.Sakthivel, SSI, attached to the first respondent police station. The defacto complainant Ninammal has no objection for quashing the impugned prosecution. When the parties have reunited, no purpose will be served in keeping the impugned prosecution alive.



4. Therefore, the impugned proceedings are quashed. This criminal original petition is allowed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate No.II,
Madurai.
2. The Inspector of Police,
Thallakulam police station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD) No.12139 of 2021
09.11.2021

TP (CO)
KB(23.11.2021) 2P 4C