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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6106 of 2022  
and  
Crl.M.P.Nos.3405 & 3407 of 2022

R.Karthikeyan ... Petitioner

Vs.

1. The State represented by,  
Inspector of Police,  
R-7, KK Nagar Police Station,  
Chennai.

2. Ajitha Karthikeyan ... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records culminated C.C.No.7083 of 2018 on the file of 23<sup>rd</sup> Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.D.Ferdinand

For R1 : Mr.A.Gokulakrishnan  
Additional Public Prosecutor.

For R2 : No Appearance

O R D E R

The Criminal Original Petition has been filed to call for the records culminated in C.C.No.7083 of 2018 on the file of 23<sup>rd</sup> Metropolitan Magistrate, Saidapet, Chennai.

2. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. Learned counsel for the petitioner would submit that the issue arises out of matrimonial dispute and the parties have compromised the matter between themselves.



4. The petitioner and the de-facto complainant/R2 are present before this Court and they were identified by their counsel and also by the first respondent police.

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5. The second respondent/de-facto complainant has also filed an affidavit, wherein she had stated that they have entered into a Memorandum of Understanding dated 09.10.2021 before the Family Court and settled the dispute and decided to withdraw the pending proceedings before the trial Court. The relevant portion of the affidavit is extracted hereunder :-

1. I am the de-facto complainant in CC No.7083 of 2018 which is pending on the file of the Hon'ble XXIII Metropolitan Magistrate, Saidapet, Chennai. I am well aware of the facts pertaining to the Quash petition and I am affirming this Affidavit for the benign consideration of this Hon'ble Court.
2. I submit that I am the wife of the Petitioner/Accused Mr.Karthikeyan, I submit that on 25.11.2017 a complaint was registered against the Petitioner / Accused for offenses under Section 294 (b) and 506 (I) of Indian Penal Code 1860.
3. I further submit that the Petitioner and myself have cases pending before the Hon'ble Family Court. When H.M.O.P No.4357 of 2014 was referred to Mediation/Lok Adalath we have entered into a Memorandum of Understanding dated 09.10.2021 and have decided to amicably settle all the disputes and withdraw all the cases which are pending before various Hon'ble courts.
4. I submit that as per the Memorandum of Understanding the Petitioner and myself have partially complied with the terms and conditions specified in the Memorandum of Understanding dated 09.10.2021.
5. I submit that I am no more interested in pursuing the criminal proceedings in - CC No.7083 of 2018 which is pending on the file of the Hon'ble XXIII Metropolitan Magistrate, Saidapet, Chennai. I submit that I want to settle the disputes between the Petitioner and myself amicably. Hence the said proceedings CC No.7083 of 2018 which is pending on the file of



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the Hon'ble XXIII Metropolitan Magistrate, Saidapet, Chennai may be quashed and I do not have any objection for Quash petition filed by the Petitioner before the Hon'ble High Court of Madras to be allowed.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the C.C.No.7083 of 2018, on the file of 23<sup>rd</sup> Metropolitan Magistrate, Saidapet, Chennai.

7. Petitioner is directed to pay a sum of Rs.5000/- towards costs to the Credit of the Tamil Nadu Advocate Clerks Association and produce the receipt before this Court.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.7083 of 2018, on the file of the 23<sup>rd</sup> Metropolitan Magistrate, Saidapet, Chennai, is quashed and the affidavit filed by the de-facto complainant/R2, shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

- 1.The XXIII Metropolitan Magistrate,  
Saidapet, Chennai.
2. The Inspector of Police,  
R-7, KK Nagar Police Station,  
Chennai.
3. The Public Prosecutor,  
High Court of Madras.



4. The TamilNadu Advocate Clerks Association  
on Chennai.

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