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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9494 OF 2022 AND
CRL.M.P.NO.5529 OF 2022

1.S.Arul Kumaran
2.K.Sekar
3.S.Arulmozhi
4.C.S.Santhoshkumar

...Petitioners/
A1 to A4

-Vs-

1. State by,
The Sub-Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai - 600 083.

... 1st Respondent/Complainant

2.S.Suganya

.. 2nd Respondent/
Defacto Complainant

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records and quash the proceedings in S.C.No.01 of 2022, which is pending before the learned Mahila Court, at Chennai on the ground of mutual compromise.

For Petitioners :Mr.V.Ramanareddy

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

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the proceedings in S.C.No.01 of 2022, which is pending before the learned Mahila Court, at Chennai on the ground of mutual compromise.



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.

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3.A consent affidavit of second respondent/defacto complainant has been filed before this Court, which has been signed by the 2nd respondent/defacto complainant and both the parties are present before this Court and they were identified by the learned counsel for the petitioner Mr.V.Ramanareddy. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the consent affidavit of second respondent/defacto complainant dated 11.03.2022 is extracted hereunder :-

'1.I am the 2nd Respondent/De - facto Complainant herein, as such I am well acquainted with the facts of the present case.

2.Myself and the 1st Petitioner in the quash petition are got married and lived together as a wife and husband. There is no dispute out of our marriage in the beginning, as it is a love marriage. Due to misunderstanding emanated out of difference of opinion between us the same is pending for long time without resolving the small and negligible issues due to ego.

3.I further submit that the elders and well-wishers of the families, out of mediation and conciliation of the well-wishers and elders of both the families and unanimously decided that I and the 1st Petitioner to forego all the past bitter experiences and to lead a bright life ahead in our matrimonial home, and there is no scope for proceeding the present case in S.C.No.01 of 2022, on the file of the Learned Mahila Court, Chennai, because all the issues between us were resolved.

4.I submit that I am giving this undertaking on my own free will that, I will not indulge in any litigation against the 1st Petitioner or the other Petitioners and also confirm that I will not agitate the matter any further as I and the Petitioners amicably settled the dispute in the matrimonial life. Thereafter we agreed into the compromise so as to purchase peace and tranquility among our family members and to lead a happy life



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in future and safeguard the welfare and wellbeing of my beloved child.

5. In the aforesaid circumstances, I, myself voluntarily giving consent affidavit on my own without collusion, coercion or compulsion, it is giving with my own consent to dilute the issues between me and my husband erupted due to lack of understanding and not knowing the issues in family life. I am giving an end to the irretrievable dispute between us."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in S.C.No.01 of 2022 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quash the proceedings in S.C.No.01 of 2022.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.01 of 2022 on the file of the learned Mahila Court, Chennai is quashed and the consent affidavit of second respondent/defacto complainant shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

*Xerox copy of affidavit of Defacto Complainant is enclosed.

jas/tsh

To

1. The Mahila Court, Chennai.



2. The Sub-Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai - 600 083.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ramanareddy, Advocate, S.R.No.29077

Cr1.O.P.No.9494 of 2022 and
Cr1.M.P.No.5529 of 2022

KJ (CO)
PM/11/05/2022