



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.25074 of 2021

and

Cr1.M.P.No.13803 of 2021

Mageshwar

...Petitioner/Sole Accused

Vs.

1.State rep by
Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai.
Cr.No.232/2020

...1st Respondent/Complainant

2.B.Monisha Devi

...2nd Respondent/De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the C.C.No.7800 of 2021 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner	:	Mr.M.Mohamed Riyaz
For Respondent No.1	:	Mr.E.Raj Thilak
		Additional Public Prosecutor.
For Respondent No.2	:	Mr.R.Ganeshkumar

ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.7800 of 2021, on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

2.The case of the prosecution is that the petitioner and the second respondent/defacto complainant were college mates in Sathyabama University, during 2008-2009 and they came to know each other during their college days. The petitioner, assuming that the second respondent/defacto complainant was interested in him, sent messages and called her during odd hours, for which, he was warned and let off by the college authorities. Later, the second respondent/defacto complainant got married and she had applied for divorce from her husband due to some



misunderstanding. Coming to know the same, the petitioner renewed his contact with the second respondent/defacto complainant. At that time, the petitioner was friendly, believing his friendly words, the second respondent/defacto complainant accepted his friendship and he was continuously sending messages and old college photos and later, forced her to marry him. The the second respondent/defacto complainant objected for it, despite the same, the petitioner continued causing disturbance to the second respondent/defacto complainant. Therefore, the second respondent/defacto complainant lodged a complaint in CCB, in Crime No.232 of 2020, under Sections 354, 354 D, 506(i), 509 IPC & Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and the complaint culminated into a charge sheet in C.C.No.7800 of 2021, on the file of the Chief Metropolitan Magistrate Court, Egmore.

3.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.

4.The petitioner and the second respondent/defacto complainant have filed their affidavits, dated 01.02.2022 and they have also filed a joint memo of compromise, dated 01.02.2022 and their Aadhar cards. Now, both of them realised their mistake and the petitioner is married and living separately and the second respondent/defacto complainant is living with her parents. The petitioner has given an undertaking that he will not cause any hindrance or obstacles and will not give disturbance to the second respondent/defacto complainant in any means. The second respondent/defacto complainant, considering the past relationship and also the petitioner being her collegemate, is not interested to pursue the case any further. Both parties agreed for compromise and amicably settled their issues in C.C.No.7800 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. 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.7800 of 2021, on the file of the Chief Metropolitan Magistrate Court, Egmore.

6. Considering that both of them are engineering graduates



with lots of hope to come up in their life, this pendency of the above case might be an obstacle in the progress of their career and future, in view of the same, this Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.7800 of 2021, on the file of the Chief Metropolitan Magistrate Court, Egmore, is quashed. The affidavits filed by the petitioner and the second respondent/defacto complainant shall form part and parcel of this case. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Chief Metropolitan Magistrate Court,
Egmore.
2. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai
3. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.R.Ganeshkumar, Advocate sr 6632
+1 CC to Mr.M.Mohamed Riyaz, Advocate sr 6733.

Crl.O.P.No.25074 of 2021

KV(CO)
SP(18/03/2022)