



CRL.O.P.No.24131 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MR JUSTICE V.SIVAGNANAM

CRL.O.P.No.24131 of 2022

1.Dinesh

2.M.Vijaya

3.S.Mahalakshmi

... Petitioners

Vs.

State by

1.The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Vyasarpadi,
Chennai - 600 039.
(Crime No.06 of 2020)

2.S.Shobana

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.3523 of 2022 on the file of the Chief Metropolitan Magistrate Court, Egmore at Chennai and quash the same.



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For Petitioners : Mr.C.Ashok Kumar

For Respondents :

For R1 : Mr.S.Santhosh
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.3523 of 2022 on the file of the Chief Metropolitan Magistrate Court, Egmore at Chennai and to quash the same.

2. The learned counsel appearing for the petitioners submitted that based on the complaint given by the second respondent/defacto complainant, a case in Crime No.6 of 2020 was registered by the first respondent for the offence under Section 498(A) of IPC. After completion of investigation, the first respondent has filed a charge sheet against the petitioners for the offences under Sections 498(A), 294(b), 323 and 506(i) of IPC and Section 4 of the Dowry Prohibition Act, 1961 in C.C.No.3523 of 2022 on the file of the Chief Metropolitan Magistrate Court, Egmore at Chennai.



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3. He further submitted that the second respondent/defacto complainant has compromised with the petitioners and she does not want to proceed the case further. The dispute between the parties is private in nature and no public interest is involved.

4. The learned Government Advocate appearing for the first respondent submitted that the criminal proceedings against the petitioners are pending and the case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. This Court considered the rival submissions and perused the materials available on record and also the supporting affidavit filed by the second respondent/defacto complainant.

6. A supporting affidavit has been filed before this Court, which has been signed by the second respondent/defacto complainant and also by her counsel. The petitioners and the second respondent/defacto



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complainant are present before this Court and was also identified by the Inspector of Police, W-18, All Women Police Station, M.K.B.Nagar, Vyasarpadi, Chennai.

7. This Court also enquired both the parties and satisfied that the parties have compromised and settled their dispute out of force. Under such circumstances, no useful purpose will be served in keeping the FIR pending, even though, the offences involved are compoundable in nature. In order to quash the proceedings under Section 482 of Cr.P.C., there should be certain specific ground as laid by the Hon'ble Supreme Court in *State of Haryana Vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* and *PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrL.L.J.817)*.

8. Hence accepting the supporting affidavit filed by the second respondent/defacto complainant, the criminal proceedings pending against the petitioners in C.C.No.3523 of 2022 on the file of the Chief Metropolitan Magistrate Court, Egmore at Chennai, is hereby quashed



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and this Criminal Original Petition is allowed. The supporting affidavit signed by the second respondent/defacto complainant shall form part of Court records.

30.09.2022

Index : Yes/No
Speaking Order/Non-Speaking Order

arb

To

- 1.The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Vyasarpadi,
Chennai - 600 039.
- 2.The Chief Metropolitan Magistrate Court,
Egmore at Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.

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