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Crl.O.P.No.27913 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.27913 of 2022

1.V.Sudarsan Babu
2.T.Venugopal
3.Padmavathy

... Petitioners

Vs.

1.The State by:
The Inspector of Police,
W1- All Women Police Station,
Thousand Lights,
Chennai – 600 006.

2.M.Kavitha

... Respondents

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.44 of 2020 on the file of the learned Mahila Court at Egmore, Chennai, quash the same based on the compromise arrived between the petitioner and the defacto complainant.

For Petitioners	...	Mr. P. Jesus Moris Ravi
For Respondents	...	Mr. S. Santhosh, for R1
		Government Advocate (Crl.Side)



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.44 of 2020 pending on the file of the Mahila Court, Egmore, Chennai, for the offences punishable under Sections 498(A) and 323 IPC.

2. As the parties have decided to compromise the dispute amicably among themselves, they have filed the present petition to quash the proceedings in view of the compromise entered between the parties.

3. The second respondent / Defacto complainant is the wife and the first petitioner is the husband and the other petitioners are in-laws of the defacto complainant. The learned counsel for the petitioners submitted that based on the memorandum of understanding dated 04.07.2022 the first petitioner withdraw the divorce petition in HMOP.No.4014 of 2020 and filed divorce under mutual consent in HMOP.No.3222 of 2022 and the same is pending before the V Additional Family Court, Chennai. Since the



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matter has been settled between the parties both the parties did not want to continue the criminal proceedings. Therefore, accepting the compromise, seeks to quash the case in C.C.No.44 of 2020 on the file of Mahila Court, Egmore.

4. The 1st petitioner and the second respondent / defacto complainant are present in-person before this Court and they are identified by Ms.P.Suriyakala, WSSI, W1, All Women Police Station, Thousand Lights, Chennai. In order to identify themselves, they have also produced the copies of the Aadhaar Card and it is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 498(A) and 323 IPC.



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6. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in **(2012)10 SCC 303** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in **(2017)9 SCC 641** were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.44 of 2020 pending on the file of the Mahila Court, Egmore, Chennai even though, the offences involved are non compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.44 of 2020 on the file of the Mahila Court, Egmore, Chennai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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AT

Index : Yes/No



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To

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- 1.The Mahila Court, Egmore,
Chennai,
- 2.The Inspector of Police,
W1- All Women Police Station,
Thousand Lights,
Chennai – 600 006.
- 3.The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM ,J.

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