



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 24942 of 2017

and

Crl.M.P.Nos. 14391 and 14392 of 2017

Madhan Mohan.S

...Petitioner

Versus

1.State of Tamil Nadu represented by
The Inspector of Police,
Erode North Police Station,
Erode.

2.Sangeetha

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.T.C.No.145 of 2017, on the file of the Learned Chief Judicial Magistrate, Erode and quash the same.

For Petitioner	:	Mr.S.Santosh
For Respondent	:	Mr.S.Kishore Kumar Govt.Advocate (Crl.Side)
	:	Mr.M.Vijayanand for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.145 of 2017, filed against the accused for the offence under Sections 294(b) and 323 IPC, on the file of the learned Chief Judicial Magistrate, Erode.

2. The crux of the charge in the final report is that while the de-facto complainant, being the wife of the accused went to the court on 04.02.2017 in a dispute between the husband and wife, the accused/husband, abused the de-facto complainant and also caused simple hurt on her, thereby, committed an offence under Sections 294(b) and 323 IPC.



3. The main contention of the learned counsel appearing for the petitioner is that the alleged occurrence never took place and the complaint has been filed due to the matrimonial dispute. After the First Information Report has been filed, there was settlement between the husband and wife on 08.04.2017 and a Joint Memo Compromise has also been filed before the Family Court, Erode in M.C.No.03 of 2016. Pursuant to the settlement, the parties have sorted out their differences of opinion and got separated and the minor was also given proper maintenance and hence, the learned counsel submitted that the continuation of the final report, is nothing but an abuse of process of the court.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the first respondent has not disputed the fact that the final report is the result of First Information Report lodged by wife against her husband.

5. On a perusal of the final report and the materials produced by the prosecution, the allegation against the husband is that he abused his wife while she was attending the Court in a matrimonial dispute and also caused hurt on her. The alleged occurrence said to have taken place on 04.02.2017. The materials produced by the petitioner, particularly, the Joint Memo filed before the Family Court on 08.04.2017 makes it clear that the dispute between the husband and wife has been settled and they have also worked out the modalities for the maintenance of the minor child.

6. Now it is also stated that the husband and wife got separated by obtaining a decree of divorce, and the same is also not disputed. As the matter has been amicably settled between the parties and there is no serious allegation against the petitioner/accused except the general allegation that he used the abusive language and caused simple hurt on her, as the parties have settled and sorted out the differences of opinion, this Court is of the view that, again continuing the prosecution is only a futile exercise.

7. Accordingly, this Criminal Original Petition is allowed. The proceedings in S.T.C.No.145 of 2017, on the file of the Learned Chief Judicial Magistrate, Erode is quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



psa/asr

To

1.The Chief Judicial Magistrate,
Erode.

2.The Inspector of Police,
Erode North Police Station,
Erode.

3.The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No. 24942 of 2017

MG (CO)
PR (21/01/2022)