



WEB COPY



Crl.O.P.No.29836 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29836 of 2022

1.Musthafa
2.Samsath
3.Hajeera

... Petitioners

Vs.

1.State, represented by
The Inspector of Police,
Mangalam Police Station,
Tiruppur District,
Crime No.80 of 2022.

... 1st Respondent/Complainant

2.Rafiya Basiri

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings in Crime No.80 of 2022 on the file of 1st respondent.

For Petitioners : Mr. C.Ramkumar

For 1st Respondent: Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records and quash the proceedings in Crime No.80 of 2022, on the file of 1st respondent.



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2. When the matter is taken up, the learned counsel for the petitioners and the second respondent/defacto complainant are present.

3. The learned counsel for the petitioners submitted that a complaint was given against the petitioners by the second respondent/defacto complainant alleging that the petitioners have abducted her minor son and kept in their home. Now both resolved the dispute between them in the interest of the welfare of the minor child and the second respondent/defacto complainant decided to withdraw the complaint given by her against the petitioners. The joint memo of compromise signed by the petitioners and the second respondent/defacto complainant is filed along with the affidavit of the second respondent/defacto complainant. The second respondent/defacto complainant has no objection for quashing the criminal case registered in Crime No.80 of 2022, for the offences under Section 365 IPC.

4. This Court also enquired the second respondent/defacto complainant and she stated that she had voluntarily signed the joint memo of compromise and affidavit. In the interest of the welfare of her child, she is now residing with the petitioners, who are her father-in-law, mother-in-law and sister-in-



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law. The learned Government Advocate (Crl.Side) has also no serious objection in allowing this petition.

5.Taking note of these facts into consideration, this Court finds that the parties may be permitted to compromise the dispute. The second respondent/defacto complainant is permitted to with draw the complaint paving way for quashing of the proceedings in Crime No.80 of 2022, on the file of the respondent police.

6.Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioners in Crime No.80 of 2022, on the file of the respondent police is quashed. The joint memo of compromise shall form part of this order.

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order



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G.CHANDRASEKHARAN, J.
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To:

1.The Inspector of Police,
Mangalam Police Station,
Tiruppur District,
Crime No.80 of 2022.

2.The Public Prosecutor,
High Court of Madras.

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