



Crl.O.P.No.30015 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P. No.30015 of 2022

C.Venkatesan

... Petitioner

Vs.

1.State Represented by its
The Deputy Superintendent of Police
Chengalpattu District.

2.The Inspector of Police,
All Women Police Station,
Chengalpattu District.
(Crime No.7 of 2021)

3.C.Sudha

...Respondents

PRAYER:- Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records and quash the FIR pending investigation in Crime No.7 of 2021 on the file of the Inspector of Police, All Women Police Station, Chengalpattu District.

For Petitioner : Mr.K.Veerasamy
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to call for the entire records and quash the FIR pending investigation in Crime No.7 of 2021 on the file of the Inspector of Police, All Women Police Station, Chengalpattu District.

2.This case is registered on the basis of complaint given by third respondent/defacto complainant against the petitioner for the offence under Sections 417, 376, 506 (1) I.P.C. r/w. Sections 3 (1) (w) (i), 3 (ii) (v) of SC/ST Act in Crime No.7 of 2021 on the file of All Women Police Station, Chengalpatu. The case is under investigation. Today both petitioner and third respondent/defacto complainant are present. The third respondent/defacto complainant filed an affidavit of compromise stating that she was married to the petitioner on 07.07.2021 at Arulmigu Valargiri Velmurugan Thirukoil, Road Street, Pernamallur, Vandavasi, Thiruvannamalai, Tamil Nadu. The marriage was registered on 30.09.2021 at SRO, Pernamallur, Thiruvannamalai. She is living a happy and peaceful life with the petitioner and therefore, does not want to proceed against the petitioner. She decided to withdraw this case and she has no objection to quash the proceedings. This affidavit is filed without any coercion,



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compulsion and threat and by her own conscious. She is physically present and she was enquired. She reiterated that she married the petitioner and living a happy life with him and she does not want to proceed with this case and she has no objection for quashing the criminal proceedings in Cr.No.7 of 2021 pending against her husband and others. M/s.B.Chelliammal, (WHC 241), All Women Police Station, Chengalpattu, is present and she identifies the third respondent/defacto complainant.

3.The learned Government Advocate (Criminal Side) also concedes that petitioner and third respondent/defacto complainant got married and their marriage was registered.

4.Taking all these facts into consideration, this Court taking a clue from the guidelines given 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*** finds that though this is non-compoundable case, in the light of compromise entered into between the petitioner and third respondent/defacto complainant, this Court is of the view that the



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furtherance of the trial would no way useful and helpful to the prosecution.

It would be an exercise in futile and waste of time. Therefore, in exercise of its jurisdiction under Section 482 Cr.P.c., this Court allows this application and quash the proceedings against the petitioner and other accused in Cr.No.7 of 2021 on the file of the Inspector of Police, All Women Police Station, Chengalpattu District.

5. With the above direction, this Criminal Original Petition is allowed.

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Index : Yes/No
Internet: Yes/No
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- To
- 1.State Represented by its
The Deputy Superintendent of Police
Chengalpattu District.
 - 2.The Inspector of Police,
All Women Police Station,
Chengalpattu District.
 - 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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