



Crl.O.P.(MD)No.17369 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.17369 of 2022

M.Mohmed Hasan @ Harshavarthan

... Petitioner

Vs.

1.The state of Tamilnadu

**Represented by the Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.**

2.Seyyathali Fathima

... Respondents

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the criminal case in C.C.No.115 of 2019 on the file of the learned Judicial Magistrate, Tiruchendur and quash the same.

For Petitioner : Mr.R.Balakrishnan

**For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor**

For R2 : Mr.S.Ashok



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ORDER

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This petition has been filed seeking to quash the C.C.No.115 of 2019 on the file of the Judicial Magistrate, Tiruchendur.

2. It is matrimonial dispute between the husband/petitioner and wife/second respondent. After some time from their marriage, misunderstanding arose between the petitioner and the second respondent and thereafter, they were separated before the elders of both the family and Jamath. The second respondent filed the present compliant with regard to the return of her jewels.

3.The contention of the petitioner is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.16 of 2018 for the offences punishable under Sections 406, 294(b), 506(ii) of the Indian Penal Code and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002.

4.The further contention of the petitioner is that he wants to compromise the issue between him and the second respondent amicably. A



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joint memo of compromise was filed, which has been duly signed by the petitioner and the second respondent and also by their respective counsels.

The second respondent submitted that in respect of 6.25 sovereigns of gold jewels, she received a sum of Rs.2,00,000/-(Rupees Two Lakhs only) by way of cash from the petitioner.

5.The petitioner and the second respondent appeared in person along with their respective counsels and also produced their Aadhar cards before this Court. They were also identified by the learned Government Advocate (Criminal side) and M/s.E.Kavitha, All Women Police Station, Tiruchendur, Tuticorin. Both the parties to compromise were enquired by me and they accepted the terms of compromise. Hence the Compromise Memo is recorded.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 28.09.2022, this Court is of the opinion that no useful purpose would be served by keeping the matter pending.



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7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.115 of 2019 on the file of the Judicial Magistrate, Tiruchendur, is hereby quashed in respect of the petitioner/sole accused and the terms of joint compromise memo shall form part of this order.

29.09.2022

Internet:Yes

Index:Yes/No

Speaking order/Non-Speaking order
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.Judicial Magistrate,
Tiruchendur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGO VAN,J.,

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