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Crl.O.P.Nos.2095 & 25382 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.Nos.2095 & 25382 of 2021

and

Crl.M.P.Nos.1163, 1164 of 2021

1. Emili

2. Anand

3. Santhosh ... Petitioners in Crl.O.P.2095/2021

K. Alexander ... Petitioner in Crl.O.P.25382/2021

/vs/

1. The State rep by
The Inspector of Police,
All Women Police Station,
Thanjavur District,
Crime No.6 of 2018.

2. Nizha Christy ... Respondents in both
Crl.O.Ps

Prayer in both O.Ps : Both the Criminal Original Petitions have been filed under section 482 of Cr.P.C. to call for the records relating to C.C.No.6 of 2021 pending trial before the Judicial Magistrate, Ambattur and quash the same.

For petitioner ... Mr. A.P.Sathyamurthy
in Crl.O.P.2095/2021

For petitioner ... Mr. R. Sonia Glory



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in Crl.O.P.25382/2021

For Respondents ...

Mr. L. Baskaran,
Government Advocate (crl.side)
for R1

... Majestic Law Firm
for K.Nagarajan,
for R2

COMMON ORDER

Both the Criminal Original Petitions have been filed to quash the Charge Sheet in C.C.No.6 of 2021 pending on the file of the Judicial Magistrate, Ambattur for the offences punishable under Sections 498(A), 506(i) of IPC in Crime No.6 of 2018.

2. The learned counsel appearing for the 2nd respondent/defacto complainant submitted that the defacto complainant/wife and her husband and in-laws settled their dispute out of court and she is not willing to continue the criminal proceedings in CC No.6 of 2021 on the file of the Judicial Magistrate, Ambattur against them and seeks to accept the compromise and quash the proceedings as against them.

3.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4. In both the petitions, Joint Memo of Compromise, dated 07.09.2023 have been filed before this Court which have been signed by the petitioners and the second respondent. The petitioners and the second respondent were also present in person before this Court and they were identified by Mrs.G.Lakshmi, Women Special Sub Inspector, W29 Aavadi AWPS Police Station (9498184580). 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 to power to quash the complaint for the offence under Sections 498(A), 506(i) of IPC.

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.



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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.6 of 2021 pending before the Judicial Magistrate, Thanjavur, even though, the offences involved are not compoundable in nature.

8. Accordingly, both the Criminal Original Petitions are allowed and as a sequel, the proceedings in C.C.No.6 of 2021, on the file of the Judicial Magistrate, Ambattur is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet: Yes/No
mrp

07.09.2023

To

1. The Judicial Magistrate,
Judicial Magistrate Court,
Ambattur, Chennai.
2. The Inspector of Police,
All Women Police Station,
Thanjavur District,



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V.SIVAGNANAM, J.

mrp

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