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Crl.O.P.No.4746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4746 of 2023

Samuel

... Petitioner

Vs.

1.State represented by
Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Chengalpattu District.
(Crime No.114 of 2022)

2.Eliza

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the Charge Sheet in C.C. No.435 of 2022, pending on the file of the Additional Mahila Judicial Magisterial level at Chengalpattu.

For Petitioner : Mr.S.Shankar

For R1 : Mr.S.Santhosh,
Government Advocate (Crl.Side)



CrI.O.P.No.4746 of 2023

ORDER

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This Criminal Original Petition has been filed for quashing the proceedings pending in C.C.No.435 of 2022 on the file of the learned Additional Mahila Judicial Magistrate, Chengalpattu against the petitioner.

2.This case was registered on the basis of the complaint given by the second respondent/defacto complainant complaining the offences under Sections 294(b), 341, 323, 379 and 506(ii) IPC.

3.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is present and the second respondent/defacto complainant is also present before this Court. They filed a Joint Memorandum of Compromise stating that they have resolved their disputes. Learned counsel for the petitioner submitted that the second respondent has no objection for quashing the charge sheet in C.C. No.435 of 2022.

4.The above Joint Memo dated 02.02.2023 has been filed before this Court, which have been signed by the petitioner and the second respondent and also by the learned counsel for the petitioner.



CrI.O.P.No.4746 of 2023

5.The petitioner and the second respondent are also present in person before this Court and they were identified by Mr.D.Vasudevan, HC 4115, T19 Kelambakkam Police Station, Kelambakkam. This Court also enquired both the parties and the defacto complainant/second respondent reiterated that she does not want to prosecute the petitioner and has no objection for quashing C.C. No.435 of 2022, which is pending before the learned Additional Mahila Judicial Magistrate, Chengalpattu.

6.Considering the fact that the second respondent does not want to prosecute the case against the petitioner and that she has no objection for quashment of proceedings, no useful purpose will be served in keeping the proceedings pending in C.C.No.435 of 2022 on the file of the learned Additional Mahila Judicial Magistrate, Chengalpattu against the petitioner.

7.In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings pending in C.C.No.435 of 2022 on the file of the



CrI.O.P.No.4746 of 2023

learned Additional Mahila Judicial Magistrate, Chengalpattu against the petitioner.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in C.C.No.435 of 2022 on the file of the learned Additional Mahila Judicial Magistrate, Chengalpattu against the petitioner is quashed and the terms of joint compromise memo shall form part and parcel of this order.

02.03.2023

Index: Yes/No
Speaking/Non speaking order
vga



CrI.O.P.No.4746 of 2023

WEB COPY

To

- 1.The Additional Mahila Judicial Magiste,
Chengalpattu.
- 2.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Chengalpattu District.
- 3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.4746 of 2023

G.CHANDRASEKHARAN.J.,

vga

Crl.O.P.No.4746 of 2023

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