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Crl.O.P.No.6067 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6067 of 2023

1.Nizvanullah
2.ASkar Ali
3.Mobeen @ Mobina ... Petitioners
-VS-

1.The State of Tamil Nadu,
The Inspector of Police,
W-27 AWPS Vadapalani Police Station,
Chennai District.

2.Salma Begum ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for records relating to Charge sheet in CC.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai and quash the same.

For Petitioners ... Mr.M.Mohamed Riyaz
For Respondent ... Mr.S.Santhosh
Government Advocate (crl.side)

ORDER



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This Criminal Original Petition has been filed to call for records relating to Charge sheet in CC.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai and quash the same.

2. Learned counsel for the petitioners submitted that First Information Report in Crime No.5 of 2022 for the offences under Sections 498, 506(i), 120B and 323 of IPC came to be registered. After investigation, final report was filed. The case is now pending before the learned XVII Metropolitan Magistrate, Chennai in C.C.No.3783 of 2022. Petitioners and 2nd respondent/defacto complainant filed Joint Memo of Compromise stating that, they have amicably resolved the dispute and differences between them. The 1st petitioner and 2nd respondent decided to live separately. They have also decided to file a divorce petition by mutual consent. 2nd respondent doesn't want to proceed further with the case and she has no objection for quashing the proceeding in C.C.No.3783 of 2022. A consent affidavit is also filed in this regard. Therefore, he seeks for quashing the Charge sheet in C.C.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai.



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3. The learned Government Advocate (Crl.Side) submitted that, by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise dated 22.02.2023 has been filed before this Court, which have been signed by the petitioners and the second respondent and also by the learned counsel for the parties.

5. The petitioner and the second respondent were also present in person before this Court and they were identified by **Ms.E.Geetha, W-27, AWPS, Vadapalani**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that she had entered into a Memorandum of compromise with the petitioners and she has no objection for quashing the proceedings in Charge sheet in CC.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai.



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6. Considering the fact that, the issue between the parties relates to matrimonial issue and that the second respondent does not want to prosecute the case against the petitioners and that she has no objection for quashment of proceedings and also considering that the offences are compoundable offence, no useful purpose will be served in keeping the proceedings in Charge sheet in CC.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai against the petitioners.

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 charge sheet in CC.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai against the petitioners.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the Charge sheet in CC.No.3783 of 2022 on the file of XVII Metropolitan Magistrate, Chennai against the petitioners is quashed and



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the terms of joint compromise memo shall form part and parcel of this
order.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

- 1.The XVII Metropolitan Magistrate,
Chennai.
- 2.The Inspector of Police,
W-27 AWPS Vadapalani Police Station,
Chennai District.
- 3.The Public Prosecutor,
High Court, Madras.

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