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Crl.O.P.Nos.6257 of 2021 and 31369 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.6257 of 2021 and 31369 of 2022
and Crl.M.P.Nos.4128 and 4129 of 2021

Crl.O.P.No.6257 of 2021:

- 1.Sripriya
- 2.Selvam

...Petitioners

Vs.

- 1.The State represented by
The Sub- Inspector of Police,
W-17, All Women Police Station, Peravallore,
Chennai.

- 2.Idhaya Mathumitha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and to quash the charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai.

For Petitioners	: Mr.D.Prasanna
For R-1	: Mr.S.Santhosh
	Government Advocate (Criminal side)
For R-2	: Ms.V.Ramamurthy



Crl.O.P.Nos.6257 of 2021 and 31369 of 2022

Crl.O.P.No.31369 of 2022:

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Roshan @ Shane Roshan

...Petitioner

Vs.

1.The State represented by
The Sub- Inspector of Police,
W-17, All Women Police Station, Peravallore,
Chennai.

2.Idhaya Mathumitha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and to quash the charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai.

For Petitioners	: Mr.D.Prasanna
For R-1	: Mr.S.Santhosh
	Government Advocate (Criminal side)
For R-2	: Ms.V.Ramamurthy

COMMON ORDER

These Criminal Original Petitions are filed to call for the records and to quash the charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai.



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2. The First Information Report in Crime No.13 of 2018 was registered for the offences under Sections 498(A) and 506(i) of IPC in connection with a matrimonial dispute between the defacto complainant and petitioner in Crl.O.P.No.31369 of 2022 namely Roshan. It is informed that parties have reached compromise and filed a divorce petition by mutual consent in IDOP.No.5465 of 2022 pending on the file of the 1st Additional Family Court, Chennai. As per the settlement reached between them, 2nd respondent received a sum of Rs.4,00,000/- by way of cash and Rs.1,40,000/- through cheque. In view of the settlement reached, 2nd respondent does not want to proceed further in these cases. A consent affidavit is also filed in this regard. Therefore, petitioners seek for quashing charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai.

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.



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4. A Joint Memo of Compromise dated 09.01.2023 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 petitioners and the second respondent were also present in person before this Court and they were identified by **Ms.P.Dhanalakshmi, W-17, AWPS, Peravallore**. 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 charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai.

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, no useful purpose will be served in keeping the charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate



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Additional Mahila Court at Egmore, Chennai.

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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.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai.

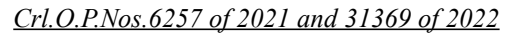
8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the charge sheet in CC.No.10 of 2021 pending on the file of the Metropolitan Magistrate Additional Mahila Court at Egmore, Chennai against the petitioners is quashed and the terms of joint compromise memos dated 09.01.2023 shall form part and parcel of this order. Consequently, connected Miscellaneous petitions are closed.

28.04.2023

gd

Internet :Yes

Index :Yes/No



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