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Crl.O.P.No.9039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9039 of 2023

1.Gopinath @ Yuvaraj

2.Baskaran

3.Jothipoosanam

4.Gangadevi

5.Hemavathy

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Thiruvallur.
Crime No.32 of 2021.

2.Kanniga

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.109 of 2023 on the file of the Additional Mahila Court, Thiruvallur and quash the same.

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For Petitioners : M/s.R.Ramkumar
For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)
For R2 : Mr.Balaji Sankara Moorthy

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.109 of 2023 on the file of the Additional Mahila Court, Thiruvallur and quash the same.

2.In a matrimonial dispute, second respondent gave a complaint against the petitioners and First Information Report in Cr.No.32 of 2021 was registered for the offence under Sections 498 (A), 294 (b), 506 (1) and 323 I.P.C. After investigation, final report is filed for the offences under Sections 498 (A), 294 (b), 506 (1) and 323 I.P.C. Now, it appears that parties have resolved the dispute and entered into a compromise. A joint compromise memorandum dated 10.04.2023 is filed. As per this joint compromise memo, the issue between the parties had been amicably settled. First petitioner and second respondent agreed to file petition for consent divorce in O.P.Sr.No.1958 of 2023 before the Family



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Court. Second respondent has no objection for withdrawing C.C.No.109 of 2023.

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3. When the matter is taken up, the first petitioner, second respondent/defacto-complainant are present and they were identified by M/s.Logeshwari, Thiruvalluvar, AWPS. A joint memo dated 10.04.2023 for compromise by the petitioners and second respondent/defacto-complainant is filed. Second respondent has also filed consent affidavit. It is seen from the joint compromise memo and consent memo filed that the parties have mutually resolved to settle their dispute and second respondent is not willing to prosecute the petitioners. She has no objection for quashing the criminal complaint against the petitioners in C.C.No.109 of 2023 on the file of the first respondent.

4. The learned Government Advocate (Crl.Side) submitted that the case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. Considering the fact that the issue between the parties had compromised 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 proceedings pending in C.C.No.109



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of 2023 against the petitioners. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.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 Crime.No.310 of 2022 on the file of the respondent police against the petitioner.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in C.C.No.109 of 2023, on the file of the respondent police against the petitioners is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected Miscellaneous Petition is closed.

26.04.2023



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Index : Yes / No
Speaking/Non speaking order
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To

- 1.The Inspector of Police,
All Women Police Station,
Thiruvallur.
2. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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