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CrI.O.P.No.10941 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.10941 of 2023

1.Ganesh
2.Sugasini

...Petitioners

VS.

1.State Rep by,
The Inspector of Police,
Kallpakkam Police Station,
Chengalpattu District,
Crime No.212 of 2019

2. Anbazhagi

3. Venkateshwari

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Spl.S.C.No.54 of 2020 on the file of the learned Sessions Judge, Mahila Court at Chengalpattu and quash the same.

For Petitioners : Mr.G.Mageshkumar
For Respondents : Mr.A.Gopinath,
Government Advocate,
for R1



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ORDER

These Criminal Original Petitions have been filed to call for the records pertaining to the proceedings in Spl.S.C.No.54 of 2020 on the file of the learned Sessions Judge, Mahila Court at Chengalpattu and quash the same.

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

3.The memo of compromise and the affidavit of the victim girl has been filed before this Court, which have been signed by the petitioner and the respondents 2 and 3 and also by their respective counsel. The petitioner and second respondent were present before this Court. In the aforesaid affidavit, it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in S.C.No.54 of 2020 on the file of the learned Sessions Judge, Mahila Court at Chengalpattu. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. The victim girl/Venkateshwari/3rd respondent was present before this Court along with her child/Swathi, aged about 1½ years. She stated that her date of birth is 05.01.2002 and she got married with the first petitioner in the year 2019. She further stated that she is now living happily in her matrimonial home and hence, she requested this Court to close the case.

5. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. 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 Gujraath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in S.C.No.54 of 2020 on the file of the learned Sessions Judge, Mahila Court at Chengalpattu.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.54 of 2020 on the file of the learned Sessions Judge, Mahila Court at Chengalpattu, is quashed and the terms of affidavit shall form



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part and parcel of this order. No cost.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

To

- 1.The Inspector of Police,
Kallpakkam Police Station,
Chengalpattu District,
Crime No.212 of 2019
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N. ANAND VENKATESH, J.

nsa

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