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Crl.O.P.No.19574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19574 of 2022

Ibrahim Ismail, M/35 years,
Son of Ismail,
No.01, Hussain Ali Khan Street,
Royapettah, Chennai 600 014,

Now residing at No.25/29
Plot No.11, Dilli Street
Shiva Shankar Nagar
Secretariat Colony
Pallavaram, Chennai 600 044.

.. Petitioner

Vs.

1.State, Rep. by
The Inspector of Police
D-2, Anna Salai Police Station
Chennai 600 002
(C.C.No.2618 of 2021)

2.Ayesha Jamal, F/34 years
D/o.Late Syed Mohamed Hassan Ali
No.01, 2nd Floor,
Hussain Ali Khan 1st Street
Peters Road,
Royapettah, Chennai 600 014.

.. Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to the proceedings in C.C.No.2618 of

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2021 on the file of the learned Metropolitan Magistrate II at Egmore and quash the same as against the Petitioner concerned.

For Petitioner : Mr.S.Mohideen

For Respondent : Mr.A.Gokulakrishnan (for R1)
Additional Public Prosecutor

Mr.Iraiyanbu
for Ms.B.Poongkulali (for R2)

ORDER

This Criminal Original Petition has been filed to call for the records relating to the proceedings in C.C.No.2618 of 2021 on the file of the learned Metropolitan Magistrate II at Egmore and quash the same as against the Petitioner.

2.The Petitioner/Accused in CC No.2618 of 2021, facing trial for the offence under Section 341, 294 (b), 323 & 506(ii) IPC has filed this quash application.

3.Though while filing the quash application very many grounds have been raised, now the learned counsel for the Petitioner submits that



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issue between the Petitioner and the second Respondent/Defacto Complainant got resolved. They have also filed a joint compromise memo dated 11.04.2023, signed by both Petitioner & second Respondent and their respective learned counsel, which reads as follows:

*“THIS MEMORANDUM OF JOINT-COMPROMISE IS MADE
AND EXECUTED ON THIS THE 11th DAY OF APRIL, 2023
AT CHENNAI*

BETWEEN

IBRAHIM ISMAIL, son of Ismail, Indian, Muslim, aged about 35 years, previously residing at No.01, Hussain Ali Khan Street, Royapettah, Chennai - 600 014, now residing at No.25/29, Plot No.11, Dilli Street, Shiva Shankar Nagar, Secretariat Colony, Pallavaram, Chennai-600 044 hereinafter referred to as PARTY OF THE FIRST PART

AND

AYESHA JAMAL daughter of Late Syed Mohamed Hassan Ali, Indian, Muslim, aged about 35 years, is residing at No.01, 2nd Floor, Hussain Ali Khan 1st Street, Peters Road, Royapettah, Chennai- 600 014, hereinafter referred to as PARTY OF THE SECOND PART

WHEREAS, the PARTY OF THE FIRST PART had married the PARTY OF THE SECOND PART on 01.06.2013 at SIET Auditorium, Chennai.

WHEREAS, based on the complaint of the PARTY OF THE



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FIRST PART against the brother of the PARTY OF THE SECOND PART the first respondent registered a FIR in Crime No. 1099 of 2020 for an offences under section 341, 294(b), 323 & 506(ii) of IPC and subsequently, the same was taken on file in C.C.No.2467 of 2021 by the Learned Metropolitan Magistrate-II Egmore.

WHEREAS, based on the complaint of the PARTY OF THE SECOND PART against the PARTY OF THE FIRST PART the first respondent registered a FIR in Crime No. 1100 of 2020 for an offences under section 341, 294(b), 323 & 506(i) of IPC and subsequently, the same was taken on file in C.C.No.2618 of 2021 by the Learned Metropolitan Magistrate-II Egmore.

WHEREAS, the PARTY OF THE SECOND PART preferred a complaint under Domestic Violence Act, against the PARTY OF THE FIRST PART in D.V.C.No.111 of 2020 on the file of Additional Mahila Court, Egmore.

WHEREAS, during the pendency of the above cases a memorandum of understanding was executed between the parties on 09.03.2022.

WHEREAS, based upon the memorandum of understanding dated 09.03.2022 the marriage between the parties were dissolved through a Deed of Mubarrat dated 04.06.2022 and subsequently declared as dissolved by the I Additional Family Court, Chennai in O.S.No.191 of 2022 vide order dated 14.10.2022 and the PARTY OF THE SECOND PART withdrew the D.V.C.No.111 of 2020 on the file of Additional Mahila Court, Egmore on 11.10.2022.



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WHEREAS, the brother of the PARTY OF THE SECOND PART filed a petition before this Hon'ble High Court under section 482 of Code of Criminal Procedure in Crl.O.P.No.18127 of 2021 praying that the proceedings in C.C.No.2467 of 2021 on the file of Learned Metropolitan Magistratae-II Egmore, be quashed. Pursuant to the MOU Crl.O.P.No. 18127 of 2021 was allowed on 19.09.2022 and C.C.No.2467 of 2021 was quashed.

WHEREAS, the PARTY OF THE FIRST PART filed a petition before this Hon'ble High Court under section 482 of Code of Criminal Procedure in Crl.O.P.No. 19574 of 2022 praying that the proceedings in C.C.No.2618 of 2021 on the file of Learned Metropolitan Magistrate-II Egmore, be quashed. In Pursuant to the MOU executed between the parties, the PARTY OF THE SECOND PART have no objection to proceedings in C.C.No.2618 of 2021 on the file of Learned Metropolitan Magistratae-II Egmore, being quashed and Crl.O.P.No. 19574 of 2022 being allowed by this Hon'ble Court.

WHEREAS, the parties are entering into the present Memorandum of Joint-Compromise voluntarily without any compulsion or coercion, with an intent to settle the issues amicably between them”.

4.Learned counsel for the second Respondent confirms about the compromise entered between the Petitioner & second Respondent. Both the learned counsel submits that the entire issue is arising out of the matrimonial



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dispute and now the same is resolved. They have also obtained divorce from the Family Court in O.S.No.191 of 2022 on 14.10.2022. Further, following the divorce, domestic violence case in DVC.No.111 of 2020, which was filed before the Additional Mahila Court, Egmore, has also been withdrawn on 11.10.2022. Now, the above CC No.2618 of 2021 only pending against the Petitioner.

5.Learned Additional Public Prosecutor appearing for the first Respondent on instruction submits that the Petitioner/second Respondent appeared before the Respondent police and handed over the copy of the compromise memo, the Defacto Complainant also confirmed about the compromise entered between them.

6.In view of the compromise reached between the Petitioner and the second Respondent, this Criminal Original Petition is allowed and the proceedings in C.C.No.2618 of 2021 on the file of the learned Metropolitan Magistrate II at Egmore against the Petitioner is hereby quashed.

27.06.2023



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Index : Yes/No

Neutral citation : Yes/No

Speaking order/Non-speaking order

To

1.The learned Metropolitan Magistrate II,
Egmore.

2.The Public Prosecutor
High Court,
Chennai.



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M.NIRMAL KUMAR, J.

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Dated: 27.06.2023