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Crl.O.P.No.25306 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.25306 of 2022

and

Crl.M.P.No.15755 of 2022

1.Sivakumar

2.Chitra

...

Petitioners

Vs.

1.The Deputy Superintendent of Police,
Periyanaickenpalayam Sub-Division,
Coimbatore District.

2.The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.

3.S.Punitha

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the criminal proceedings pending in Special S.C.No.18 of 2016 on the file of the Principal District and Sessions Court, Coimbatore and quash the same.

For Petitioners : Mr.P.M.Duraiswamy

For Respondent : Mr.S.Santhosh

Nos.1 & 2 Government Advocate (Crl. Side)

For Respondent : M/s.T.Balaji

No.3



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ORDER

This Criminal Original Petition is filed to call for the records of the criminal proceedings pending in Special S.C.No.18 of 2016, on the file of the Principal District and Sessions Court, Coimbatore and quash the same.

2.The learned counsel for the petitioners submitted that first petitioner and the third respondent are husband and wife. In a family tussle, on the basis of the complaint given by the third respondent, FIR in Crime No.14 of 2016, was registered by the All Women Police Station, Thudiyalur. After investigation, the case was taken on file in Spl.S.C.No. 18 of 2016, on the file of the Principal District and Sessions Court, Coimbatore. Now, petitioners and third respondent have entered into a settlement, whereby, it is agreed that first petitioner should pay a sum of Rs.10,00,000/- towards maintenance of his daughter through the second respondent. Out of this sum, a sum of Rs.4,00,000/- was already paid and the balance sum of Rs.6,00,000/-would be paid by way of bank draft at the time of granting of divorce. Parties have already filed H.M.O.P. No.730 of 2022 under Section 13 (b) of the Hindu Marriage Act, seeking divorce on mutual consent. Once Spl.S.C.No.18 of 2016 is quashed, the parties would move for divorce by mutual consent.



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3.Heard the learned counsel for the petitioners, the learned Government Advocate (Crl.Side) for the first and second respondents and the learned counsel for the third respondent.

4.Petitioners and the third respondent were also present in person before this Court and they were identified by Ms.V.Monika, WPC 958, All Women Police Station, Thudiyalur. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The third respondent answered this Court that the issue between the parties had been resolved and that she does not want to prosecute the case against the petitioners and she has no objection for quashing the proceedings in Spl.S.C.No. 18 of 2016, on the file of the Principal District and Sessions Court, Coimbatore.

5.Considering the facts that a sum of Rs.4,00,000/- was already paid to the third respondent and the balance sum of Rs.6,00,000/-would be paid by way of bank draft at the time of granting of divorce, the parties have resolved the dispute amicably and that the third respondent does not want to prosecute the case against the petitioners and that she has no objection for quashment of



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proceedings, this Court quashes the proceedings against the petitioners in Spl.S.C.No. 18 of 2016, on the file of the Principal District and Sessions Court, Coimbatore.

6.Accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed. The joint compromise memo and the joint affidavit of compromise shall form part of this order.

10.02.2023

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

- 1.The Principal District and Sessions Court,
Coimbatore.
- 2.The Deputy Superintendent of Police,
Periyanaickenpalayam Sub-Division,
Coimbatore District.
- 3.The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN, J.
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