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Crl.O.P. No.19840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.19840 of 2023

Abdul Rahaman,
S/o. Shia Uddin

... Petitioner

VS.

1. State rep. by Inspector of Police,
W12 Harbour All Women Police Station,
G.T., Chennai – 600 001.
(Cr.No.4 of 2021)

2. Mumtaz,
W/o. Abdul Rahaman

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in connection with Spl.SC.No.13 of 2023 on the file of Mahila Court, Lilypond Court Complex, Chennai, quash the same.



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Crl.O.P. No.19840 of 2023

For Petitioner : Mr.M.Jaurudeen

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.Side] [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.13 of 2023 pending on the file of Sessions Judge, Mahila Court, Lilypond Court Complex, Chennai.

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. A joint compromise affidavit has been filed by both the parties before this Court. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.J.Kavitha, WHC 28045, W-12, All Women Police Station, G.T., Chennai. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Spl.SC.No.13 of 2023 pending on the file of Sessions Judge, Mahila Court, Lilypond Court Complex,



Crl.O.P. No.19840 of 2023

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

4. The victim girl was present before this Court and she has stated that she married the petitioner and through the marriage she has a boy baby viz., Mohammed Adan aged about 2 years and the child was also brought to this Court. She has further stated that now she is happily live with the petitioner and she is no more interested in prosecuting 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 Gujrath)** 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C.No.13 of 2023 pending on the file of the Sessions Judge, Mahila Court, Lilypond Court Complex, Chennai.



Crl.O.P. No.19840 of 2023

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.13 of 2023 pending on the file of the Sessions Judge, Mahila Court, Lilypond Court Complex, Chennai is quashed and the terms of affidavit shall form part and parcel of this order.

31.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No

mp

To

- 1.The Sessions Judge,
Mahila Court, Chennai..
2. The Inspector of Police,
W12 Harbour All Women Police Station,
G.T., Chennai – 600 001.
(Cr.No.4 of 2021)
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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Crl.O.P. No.19840 of 2023

N. ANAND VENKATESH., J

mp

Crl.O.P.No.19840 of 2023

31.08.2023