



Crl.O.P No.24746 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.02.2023**

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.24746 of 2019
and Crl.M.P. No.13164 of 2019

K.Venkatesan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
All Women Police Station,
Ammamet, Salem City.

2. S.Uma

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case pending investigation in Crime No.16/2019 on the file of the respondent police and quash the same.

For Petitioners : Mr.C.P.Palanichamy

For Respondent-1 : Mr. A.Gopinath
Government Advocate (crl.side)

R2 : Mr.C.Venkatesalu



ORDER

WEB COPY

This petition has been filed to call for the records pertaining to the case pending investigation in Crime No.16/2019 on the file of the respondent police and quash the same.

2. On 06.02.2023 this Court passed the following order:

“The learned counsel for the petitioner submitted that even though there was a Memorandum of compromise entered into between the parties, the petitioner did not abide by the terms and did not return the jewels of the second respondent and he had not met out the educational expenses of the children.

2. It is seen that the above facts form part of the Memorandum of Compromise entered into between the parties. However, this Court can grant the benefit of perusing the copy of the same and not the certified copy.

3. The learned counsel for the second respondent submitted he would submit the certified copy of the Memorandum of Compromise filed in Tr. C.M.P. No.965/2019 and he further submitted that he would get proper instructions as to the compliance of the terms of the Memorandum of Compromise.

4. Post the matter on 14.02.2023.”

3. When the matter is taken up today the learned Government Advocate (Crl.side) submitted that in this case investigation has been



completed and charge sheet has also been filed and in view of that nothing survives for further consideration in this matter.

4. In the order dated 27.02.2022 made in Tr.C.M.P. No.965 of 2019 there is a direction given to the parties to produce a copy of that order to help the closure of criminal cases consequent to the grant of divorce by mutual consent on the basis of the Joint Compromise Memo dated 27.02.2020. Now the learned counsel for the second respondent submitted that the terms of compromise has not been acted upon and there is no question of quashing the proceedings on the basis of alleged compromise. In that case, the petitioner and the second respondent between whom there are matrimonial cases pending, have gone back to square one. So it is up to the petitioner and the second respondent to workout any remedy in respect of the matrimonial cases pending between themselves either in terms of the alleged Joint Compromise Memo or on merits. So far as this case is concerned due to reasons above stated, no order can be passed in the proceedings on the basis of the alleged compromise memo. Since charge sheet has already been filed and the same is also taken on file, the matter itself has become infructuous long back.



Crl.O.P No.24746 of 2022

5. Recording the submission made by the learned Government

Advocate, this Criminal Original Petition is dismissed as infructuous.

Connected miscellaneous petition is closed.

23.02.2023

Index : Yes/No
Speaking Order : Yes / No
bkn



Crl.O.P No.24746 of 2022

To:

1. The Inspector of Police,
All Women Police Station,
Ammamet, Salem City.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P No.24746 of 2019

R.N.MANJULA, J.,

bkn

Crl.O.P No.24746 of 2019

23.02.2023