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Crl.OP.Nos.22815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.22815 of 2023

1. Immanuel Vasanth Raj
2. Lalitha Lakshmi Samuel

... Petitioners

Vs.

1. The State of Tamilnadu
Rep.by the Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai-600 006.
2. S.Anisha

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to quash the charge sheet in C.C.No.215 of 2017, pending on the file of the Hon'ble Additional Mahila Court, Egmore, Chennai.

For Petitioners : Mr.T.Arun Kumar

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
for R1
: Mr.S.Krishnamoorthy for R2



Crl.OP.Nos.22815 of 2023

ORDER

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The petitioners are accused in CC.No.215 of 2017. Based on the complaint given by the second respondent that she and the first petitioner are living as husband and wife. Thereafter, she was subjected to various cruelty, complaint was registered and prosecution launched for the offence under Section land grabbing. In the said CC, till date, charges not framed, though six years are lapsed. In the meanwhile, the second respondent has filed an application for restitution for conjugal rights, but allowed the petition and get dismissed for default and has not taken any steps for restoration of the petition. In the said circumstances, both the defacto complainant and the petitioners have arrived at compromise to settle the dispute and hence want to withdraw the prosecution. Since there is no provision under Cr.P.C to compound or withdraw the prosecution or offence under Sections 420, 406, 294(b), 506(i) IPC altered into offences under Sections 420, 406, 312, 294(b) and 506(i) of IPC, they have now approached this Court by filing petition under Section 482 of Cr.P.C along with the Joint Compromise Memo.



Crl.OP.Nos.22815 of 2023

2. The parties are present in person before this Court. Joint

Compromise Memo also filed and signed by both the defacto complainant and the accused identified by their respective counsel. That apart, the defacto complainant also made an endorsement that though in the complaint she has alleged that she was married to the first accused it was only a relationship and not a formal marriage.

3. In view of the above fact, this Court is of the opinion that since the parties are arrived at compromise and does not want to proceed any further. The complainant is the prime witness in this case and wants to compromise in the matter and there is no purpose in continuing the prosecution and hence, criminal prosecution against the petitioner in CCNo.295 of 2017 on the file of the Additional Mahila Court, Egmore, Chennai is hereby stands quashed.

4. Accordingly, Criminal Original Petition to quash is allowed.

Vv

07.11.2023



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To

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1. The Additional Mahila Court,
Egmore, Chennai.
2. The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai-600 006.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.OP.Nos.22815 of 2023

Dr.G.JAYACHANDRAN,J.

Vv

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