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Crl.O.P.No.32275 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32275 of 2022

Gopala Krishnan

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(C.C.No.80 of 2018)

2.Divya

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings pending in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District against the petitioner.

For Petitioners : Mr.S.Shankar
For R1 : Mr.S.Santhosh,
Government Advocate (Crl.Side)
For R2 : Mr.B.Arulmozhimaran

ORDER

This Criminal Original Petition has been filed for quashing the proceedings pending in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District against the petitioner.



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2.The learned counsel for the petitioner submitted that the petitioner is present and the second respondent/*de-facto* complainant is also present before this Court. They filed Joint Memorandum of Compromise stating that they have resolved their disputes. In terms of the compromise, the 2nd respondent was paid Rs.9,50,000/- through Demand Draft. He submitted that the petitioner and the second respondent have resolved their dispute and the second respondent has no objection for quashing the same. Hence, he seeks for quashing the proceedings pending in C.C.No.80 of 2018 for withdrawal of DVC.No.44 of 2020 and for the early disposal of HMOP.No.79 of 2019.

3.C.C.No.80 of 2018 is pending on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District. DVC.No.44 of 2020 is pending before Mahila Court, Yezhumbur, Chennai and HMOP.No.79 of 2019 is pending before the Sub-Court, Pollachi.

4.The learned Government Advocate (Crl.Side) submitted that the case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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5.A Joint Memo of Compromise dated 16.12.2022 has been filed before this Court, which have been signed by the petitioner and the second respondent and also by the learned counsel for the parties. In the joint compromise memo, it is alleged that the second respondent received a sum of Rs.7,00,000/- through Demand Draft bearing DD No.693018 on 14.12.2022 drawn on State Bank of India and the balance amount was paid by cash on 16.12.2022.

6.The petitioner and the second respondent were also present in person before this Court and they were identified by **Ms.P.Mangaiyar Thilagam, WHC 1420, Pollachi Women Police Station, Kovai**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that she had received Rs.9,50,000/- and entered into a Memorandum of compromise with the petitioner who is her husband/1st accused and she has no objection for quashing the proceedings pending in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District against the petitioner. The learned counsel for the petitioner also produced a



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Order passed in Crl.O.P.No.17447 of 2018 to show that criminal proceedings against other accused have already been quashed.

7.Considering the fact that the issue between the parties relates to matrimonial issue and that the petitioner paid the amount of Rs.9,50,000/- to the second respondent/*de-facto* complainant and that the second respondent does not want to prosecute the case against the petitioner, that the case against the co-accused has been quashed, and that she has no objection for quashment of proceedings and also considering that the offences are compoundable offence, no useful purpose will be served in keeping the proceedings pending in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District against the petitioner.

8.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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings pending in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District against the petitioner.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I at Pollachi, Coimbatore District against the petitioner is quashed and the terms of joint compromise memo shall form part and parcel of this order.

06.01.2023

Index:Yes/No
Speaking/Non speaking order
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To

1. The Judicial Magistrate No.I,
Pollachi, Coimbatore District.
- 2.The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
- 3.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,

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