

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.3775 of 2023

1.Mohamed Hasan Ali Asharudeen

2.Fathimabegam

3.Kutharath Ali

4.Kathijadul Benasir Begum

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State represented through the

Inspector of Police,

All Women Police Station,

Melur, Madurai District.

(In Crime No.20 of 2022)

... Respondent No-1 / Complainant

2.Junaitha

... Respondent No-2 /De-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records connected to the impugned Charge Sheet in CC No.242 of 2022, Pending on the file of Judicial Magistrate Court, Melur and quash the same.

For Petitioners : Mr.Bazeerdeem.M

For R1 : Mr.Manikandan.S
Government Advocate (Crl.Side)

For R2 : Mr.G.Ghoose Khatniti

ORDER

This Criminal Original Petition has been filed seeking to call for the entire records connected to the impugned Charge Sheet in CC No.242 of 2022, Pending on the file of Judicial Magistrate Court, Melur and quash the same.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent/De-facto Complainant, the 1st respondent registered the First Information Report in Crime No.20 of 2022 for the offences punishable under Sections 498(A), 406 IPC, against the petitioners. It appears that it is a matrimonial dispute between the parties and now the defacto complainant and the first petitioner have mutually agreed to separate and divorce also granted by the Family Court.

3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They

were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 28.02.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in C.C.No.242 of 2022 pending on the file of the learned Judicial Magistrate, Melur, is quashed and the compromise memo is recorded.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.242 of 2022, pending on the file of the learned Judicial Magistrate, Melur, is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

21.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Indu

G.ILANGOVAN. J.

Indu

To

- 1.The learned Judicial Magistrate, Melur.
- 2.The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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