



Crl.O.P.(MD) Nos.15798 and 15799 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

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- 1.Mohamed Nizamudeen @ PS Mohammednizamudeen
- 2.Shagul Hameed @ Shahul Hameed Pattanam Abdul Razack
- 3.Jaibu Nisha @ Jaibunnisa Pattanam Shahul Hameed
- 4.Asharudheen @ Mohamed Azarudeen PS
- 5.Shameena @ Shamina Naheed Jabarulla Khan ...Petitioners / Accused

Vs.

- 1.The State rep. by its,
The Inspector of Police,
All Women Police Station,
Karur.
Karur District.
(In Crime No.38 of 2021) ...1st Respondent / Complainant

- 2.H.Kairoon Reshma ...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in FIR No.38/2021 on the file of the 1st Respondent and quash the same.

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For Petitioner :Mr.Mohammed Ashick
For Respondent :Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)
:Mr.C.Raja for R2

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- 1.Kairoon Reshma
- 2.Salima @ Saleemabanu
- 3.Ajara @ Asara Begum
- 4.Shami @ S.Sameemmu Nisha
- 5.Ariba @ J.Arifa Banu
- 6.Arsath @ J.Arsath Ahamed
- 7.Benashir @ H.Benasir Banu
- 8.Umar @ Umar Farook ...Petitioners / Accused

Vs.

- 1.The State rep. by its,
The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.
(In FIR No.8 of 2022) ...1st Respondent / Complainant

- 2.Muhamad Nijamudheen @ PS Mohammednizamudeen
...1st Petitioner / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in FIR No.8/2022 on the file of the 1st Respondent and quash the same.



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Crl.O.P.(MD) Nos.15798 and 15799 of 2023

For Petitioner :Mr.C.Raja
For Respondent :Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)
:Mr.Mohammed Ashick for R2

COMMON ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.38 of 2021 and Crime No.8 of 2022 on the file of the 1st respondent police in both cases.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent in both cases registered the First Information Report in Crime No.38 of 2021 for the offences punishable under Sections 294(b), 323, 498(A), 506(i) of IPC and in Crime No.8 of 2022 for the offences punishable under Sections 147, 427 and 506(i) of IPC against the petitioners.

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 in both cases



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and also by their respective counsels. It is a issue between the husband and wife and they are going to obtain divorce before the concerned Court. They have also married to some other persons. No claim has been made by the wife with regard to the maintenance and the child is on the custody of the first accused / husband and the defacto complainant claims no right over the child. They have mutually decided to separate. It is a case and counter case.

4. The petitioners and the 2nd respondent in both cases 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 15.09.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in Crime No.38 of 2021 and Crime No.8 of 2022 on the file of the 1st



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respondent police in both cases, are quashed and the compromise memo is recorded.

6. In the result, these Criminal Original Petitions stand allowed and the entire proceedings in Crime No.38 of 2021 and Crime No.8 of 2022 on the file of the 1st respondent police in both cases, are hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

19.10.2023

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

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G.ILANGOVAN. J.

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To

- 1.The Inspector of Police,
All Women Police Station,
Karur.
Karur District.
(In Crime No.38 of 2021)
2. The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.
(In FIR No.8 of 2022)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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