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Crl.O.P.No.1968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1968 of 2024

and

Crl.M.P.Nos.1423 & 1426 of 2024

1.V.Manikam

2.M.Susila

.. Petitioners

Vs.

1.The State,

Rep by its Assistant Commissioner of Police, (Law & Order)
Suramangalam,
Salem City.

2.The State,

Rep by its Inspector of Police,
All Women Police Station,
Suramangalam,
Salem City.

3.K.Shanthi

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to PRC.No.80 of 2022 on the file of the Additional Mahila Court, (FTC Level), Salem and



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to quash the same as illegal, incompetent and without jurisdiction in so far as the petitioners are concerned by allowing the present Criminal Original Petition.

For petitioners : Mr.A.M.Esakkiappan
For RR 1 & 2 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in PRC.No.80 of 2022, pending on the file of the Additional Mahila Court, (FTC Level), Salem.

2.When the matter was taken up for hearing on 06.02.2024, this Court passed the following order:

“Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the 1st respondent. Notice to the 2nd respondent returnable by four weeks. Private notice is also permitted.

2.It is seen from records that the marriage itself was dissolved by this Court in CMA.No.13 of 2015, by order dated 01.08.2017, on the ground of compromise. The FIR is of the year 2010 and without taking note



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of the compromise in the year 2017, the final report has been filed in the year 2022. Therefore, no useful purpose will be served in keeping the criminal proceedings pending. Hence, there shall be an order of stay of proceedings in PRC No.80 of 2022, on the file of the Additional Mahila Court (FTC Level), Salem, pending disposal of the criminal original petition. The personal presence of the petitioners is dispensed with, pending disposal of the criminal original petition.

3.Post this case under the caption “for recording compromise” on 05.03.2024 at 2.15 pm.”

3.The case was thereafter listed on 05.03.2024 and this Court passed the following order:

“Proof of service has been filed and it is seen that the third respondent has been served with private notice.

2.There is no representation on the side of third respondent either in person or through counsel.

3.Registry is directed to print the name of third respondent in the cause list.

4.The Special Sub-Inspector of Police, AWPS, Suramangalam, was present before this Court and she sought for some time to ascertain as to whether the marriage has been dissolved and the present status.

Post this case under the same caption on 12.03.2024 at 2.15 pm.”



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4. When the case was taken up for hearing today, the learned Additional Public Prosecutor produced the statement recorded from the 3rd respondent. On going through the same, it is seen that the marriage has already been dissolved by mutual consent and the 3rd respondent has also stated that she is not interested in prosecuting the case any further.

5. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. 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)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Cr1 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in PRC.No.80 of 2022 on the file of the Additional Mahila Court, (FTC Level), Salem in entirety.

6. In the light of the above development, no useful purpose will be served in continuing with the proceedings. Accordingly, this Criminal



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Original Petition stands allowed and as a sequel, the proceedings in PRC.No.80 of 2022 on the file of the Additional Mahila Court, (FTC Level), Salem is quashed in entirety. Consequently, the connected Miscellaneous Petitions are closed.

12.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Additional Mahila Court, (FTC Level),
Salem.
- 2.The State,
Rep by its Assistant Commissioner of Police, (Law & Order)
Suramangalam, Salem City.
- 3.The State,
Rep by its Inspector of Police,
All Women Police Station,
Suramangalam, Salem City.
- 4.The Public Prosecutor,
Madras High Court, Chennai.



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N.ANAND VENKATESH, J.

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