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Crl. O.P.No25436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.25436 of 2024

and

Crl.MP.No.14266 of 2024

1. Aravind Subramaniyan
2. Gugan
3. Mallika

.. Petitioners

Vs.

1. State represented by
The Inspector of Police,
All Woman Police Station,
Teynampet,
Thiayagarayar Nagar,
Chennai District.
(Cr.No.4 of 2020)

2. Jency Madhumidha

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Cr.No.4 of 2020 on the file of the 1st respondent and quash the same based on the compromise made in O.P.No.2722 of 2020 on the file of the VI Additional Family Court, Chennai dated 18.12.2020.

For Petitioners : Mr.D.Veerasekharan



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For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1

ORDER

The petitioners herein are accused in Cr.No.4 of 2020 registered on the complaint given by one Jency Mathumitda who is none other than erstwhile wife of the first petitioner.

2. The learned counsel appearing for the petitioners submits that subsequent to the registration of this complaint, the first petitioner and the second respondent/defacto complainant had dissolved their marriage by mutual consent and in the application filed for dissolution of marriage. The second respondent has specifically agreed to withdraw the police complaint pending in Cr.No.4 of 2020. Therefore, based on the such undertaking, the case in Cr.No.4 of 2020 to be quashed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the second respondent/defacto complainant presently residing in Singapore. The fact that she has agreed to withdraw the complaint and the fact that the first petitioner and the



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defacto complainant had dissolved the marriage not yet been brought to the notice of the Investigation Officer. He further submits that if the petitioner placed the records before the Investigating Officer, the same will be enquired with the defacto complainant and appropriate action will be taken.

4. Considering the facts and circumstances of the case and submissions made by both counsel, this Criminal Original Petition is disposed of with direction to the petitioner herein to furnish copy of the divorce order to the Investigating Officer.

5. On receipt of the said certificate copy of divorce order, the Investigating Officer shall enquire with the defacto complainant either in person or through other mode and ascertaining whether the defacto complainant/second respondent is still interested in pursuing the complaint. If she answers in negative, the same may be recorded and case in Cr.No.4 of 2020 shall be proceeded accordance with her statement.

6. With the above directions, this Criminal Original Petition is



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disposed of. Consequently, the connected miscellaneous petition is closed.

17.10.2024

Vv

To

1. The Inspector of Police,
All Woman Police Station,
Teynampet,
Thiayagarayar Nagar,
Chennai District.
2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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