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Crl.O.P.No.19009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19009 of 2024
& Crl.M.P.No.11229 of 2024

Dr.A.Navin.

... Petitioner/Accused

Vs.

1. State:

Represented by,
Inspector of Police,
AWPS, Thiruvallur Police Station,
Thiruvallur District.

... Respondent/De jure Complainant

2. Mrs.N.Meenakshi.

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS., to call for the records in S.C.No.54 of 2019 on the file of the Mahila Court, Thiruvallur and quash the entire proceedings as illegal.

For Petitioner : Mr.G.Athiyagarajan

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

For R2 : Mr.P.Arumugarajan



CrI.O.P.No.19009 of 2024

ORDER

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This Criminal Original Petition is filed to quash the criminal complaint in S.C.No.54 of 2019 on the file of the Mahila Court, Thiruvallur, by the accused, who is facing trial for the offences under Section 307, 294(b), 342, 498(A), 506(2) of I.P.C.

2. The complainant is none other than the wife of the petitioner. During fight between the spouse, the petitioner has exceeded his limit and punched the complainant on her nose causing grievous injury. That apart, he had made certain utterance which are *per se* crucial and abusive not expected from a person of highly educated. However, the complainant has now come forward to condone the act of the petitioner and also to apart away the petitioner by dissolving the marriage. In the said circumstances, the petitioner/accused has prompted to file this petition to quash the case.

3. The perusal of the record reveals that after the incident dated 03.09.2017, the petitioner and the 2nd respondent has jointly filed petition for dissolution of marriage and in their petition H.M.O.P.No.3425 of 2019, dated 16.07.2022, marriage was dissolved to decree. As far as two children born to them are concerned, in G.W.O.P.No.178 of 2018 on the file of Principal District



CrI.O.P.No.19009 of 2024

Judge, Thiruvallur, custody been given to the 2nd respondent *vide* order dated

19.07.2022.

4. The 2nd respondent had withdrawn her domestic violence case pending as D.V.O.P No.57/2022 on the file Mahila Court [Judicial Magistrate Court], Thiruvallur. In the said circumstances, the S.C.No.54 of 2019 pending on the file of Mahila Court, Thiruvallur, need to be quashed. Since the parties have amicably stated their dispute by dissolving the marriage by mutual consent entrusting the custody of two children with the 2nd respondent and unconditionally withdrawn the domestic violence case against the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The complaint in S.C.No.54 of 2019 on the file of Mahila Court, Thiruvallur stands quashed. Consequently, connected Miscellaneous Petition is closed.

13.09.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm

To:-

1. The Mahila Court, Thiruvallur.
2. The Inspector of Police, AWPS, Thiruvallur Police Station, Thiruvallur District.
3. The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.19009 of 2024

Dr.G.JAYACHANDRAN,J.

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Crl.O.P.No.19009 of 2024

13.09.2024