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CrI.O.P.No.21985 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Criminal Original Petition No. 21985 of 2024
and CrI MP No.12545 of 2024

V.Sasikumar

... Petitioner

Vs.

1. The Inspector of Police,
AWPS-28, Police Station,
Ambattur,
Chennai 600 053.

2. Pavithra

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS 2023, praying to call for the necessary and relevant records and procedures from the respondent police and to quash and set aside the FIR no.28 of 2023 registered against the petitioner by AWPS 28 Ambattur Police Station and all the allegations made against the petitioner.

For Petitioner : Mr.M.Praveen Kumar

For Respondents : Mr.S.Udayakumar
Government Advocate (CrI.Side)
for R1
Mr.R.Natarajan



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ORDER

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The petition has been filed to quash the Crime No.28 of 2023 dated 09.09.2023 registered at the instance of one Pavithra as against her husband Harinath @ Sasikumar. The case is registered for offence under Section 498 A and 325 of IPC and same is pending.

2. The complainant and the accused is the petitioner herein had arrived at settlement and entered into Memorandum of Understanding dated 17.02.2024, wherein they have decided to part away mutually and file a petition for divorce by mutual consent. Accordingly HMOP No.229 of 2024 has been filed before the Sub Court, Ambattur and the same is pending and they have also agreed to withdraw the complaint pending in Crime No.28 of 2023 unconditionally.

3. On the strength of the said Memorandum of Understanding, the present petition is filed to quash the criminal complaint. The petitioner and the second respondent are present before this Court and expressed their intention to have a safe parting without scratching each other back. An affidavit of undertaking signed by both the parties has also been filed.



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4. This Court on perusing the affidavit as well as the Memorandum of Understanding entered into between the parties is of the opinion that the first respondent Police shall not proceed further with investigation in Crime No.28 of 2023. On production of copy of the divorce decree, the I.O. shall close the Crime No.28 of 2023 recording settled out of Court.

5. With this observation, the Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

03.10.2024

jv

Index : Yes/No
Neutral Citation : Yes/No

To

1. The Inspector of Police,
AWPS-28, Police Station,
Ambattur, Chennai 600 053.
2. The Public Prosecutor,
Madras High Court,
Chennai 600 104.



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Dr.G.JAYACHANDRAN, J.

jv

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