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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22706 of 2023
and Crl.MP.No.15867 of 2023

Mohanraj

.. Petitioner/Accused

vs.

1.State rep.by
Inspector of Police
T-6, Avadi Police Station
Chennai.

..Respondent/Complainant

2.Sugunya

.. Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC.No.293 of 2023, on the file of the learned Judicial Magistrate No.II, Poonamallee to quash the same.

For Petitioner : Mr.G.Anbuchezeiyan

For Respondents : Mr.A.Gopinath
Government Advocate for R1

ORDER

This petition has been filed to quash the proceedings pending in in C.C.No.293 of 2023, on the file of the learned Judicial Magistrate No.II, Poonamallee on the ground that the matter has already been compromised between the parties in



the matrimonial proceedings in HMOP No.828 of 2019, before the Sub Court, Poonamallee, by order dated 27.2.2020.

2.For proper appreciation, the order is extracted hereunder:

Brief facts set out in the petition as follows:-

The marriage between the petitioners was solemnized on 06.02.2014 at Sri Aurna Mahal, No.15, Ulagalantha Mada Street, Kanchipuram, Kanchipurain District as per Hindu rites and customs in the presence of friends and relatives of both the families. It was an arranged marriage. The marriage was subsequently registered in S.No.94/2014 under famil Nadu Hindu Marriage (Registration) Rules on 06.05.2014 at the Office of the marriage Registrar, Avadi. The petitioners state that right from the date of marriage they never behaved as husband and wife and were hostile with each other owing to their incompatible natures. They were mutually intolerable in all respects. Frequent quarrels and misunderstandings made their marriage life worst. The petitioners state that the 1" petutioner herein has filed a petition in HMOP 651/2018 on the file of this Hon'ble court for divorce, but the same is spending for final adjudication. The petitioners are living separately since last two years from October 2017. The 1" petitioner state that in view of the compromise entered into with the 2nd petitioner, he is withdrawing the petition in HMOP No.651/2018. The petitioners state that the 1" petitioner herein has paid a sum of Rs.4,50,000/-i.e. Rs.4,00,000/ by Demand draft dated 14.11.2019 drawn on State Bank of India, Avadi Branch bearing No.845247 in favour of the 2nd petitioner and a sum ol Rs.50,000/- in cash towards full and final settlement of the maintenance claim of the 2nd petitioner herein and in consideration of the receipt of the entire sum of Rs.4,50,000/ the 2nd petitioner gives up all her claim for future maintenance against the 1" petitioner and further it is mutually agreed between the petitioners that both of them will have no claim in any manner against each other. The 2nd petitioner has preferred a complaint against the 1" petitioner with Avadi Police and the Police have registered a case against him under section of



Woman harassment Act in Crime No. 1444/2017 dated. 15.10.2017. In terms of the compromise entered into, the 2nd petitioner undertakes to withdraw the above complaint. The petitioners state that since they are not blessed with child or children of the wedlock, the question of keeping custody of child does not arise at all. Hence this petition.

3. The case was taken on file 28.11.2019 thereafter originally posted to 30.4.2020 for appearance. on 10.01.2020 advance hearing petition filed and numbered as IA 19/2020 and waiver petition in IA 20/2020 filed and allowed and for perusal of orders posted to 27.02.2020.

4 On 28.01.2020 the petitioner were examined as PW1 and PW2 by proof affidavits filed and Ex.P1 to P5 marked. Ex.P1 is the Marriage Invitation, Ex.P2 is the Marriage Photo, Ex.P3 is the Marriage Registration Certificate, Ex. P4 is the Aadhar Card of the Xerox of 1^a petitioner and Ex.P5 is the Aadhar Card of the Xerox of 2nd petitioner. Both the PW1 and PW2 adduced in their evidence that their marriage was solemnized on 06.02.2014 at Sri Aurna Mahal, No.15, Ulagalantha Mada Street, Kanchipuram, Kanchipuram District. There is no collusion in filing this petition for Divorce on mutual consent. The consent has not been obtained by force, fraud or undue influence from anybody, and there is no chance of reunion. Considering the evidence adduced by PW1 and PW2, and facts of the case, the claim of the petitioners is to be ordered as prayed for.

5. In the result, the petition is allowed and the marriage was solemnized between the petitioners on 06.02.2014 at Sri Aurna Mahal, No.15, Ulagalantha Mada Street, Kanchipuram, Kanchipuram District is dissolved and divorce is granted on the ground of mutual consent. No order as to cost.

3.It is clear from the above that the parties entered into a settlement and the 2nd respondent also agreed to withdraw the case that was pending investigation

during the relevant point of time in Crime No.1444 of 2017. It is this FIR, on



completion of investigation was taken on file by the Court below in C.C.No.293 of 2023, after completion of the investigation.

4.Mr.K.Balakrishnan, (SSI), T6, Avadi Police Station, who was present before this Court also intimated the learned Government Advocate (CrI.Side) that the dispute between the parties came to an end and the marriage itself has been dissolved. In the light of the above development, no useful purpose will be served in keeping the proceedings pending and the proceedings in CC.No.293 of 2023, pending on the file of the learned Judicial Magistrate No.II, Poonamallee, is hereby quashed and this criminal original petition stands allowed.

28.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. Inspector of Police
T-6, Avadi Police Station
Chennai.
2. Judicial Magistrate No.II,
Poonamallee.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.

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