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Crl.O.P.No.4370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4370 of 2024

and

Crl.M.P.No.3194 of 2024

Nandakumar

.. Petitioner

Vs.

1.State rep by
Inspector of Police,
P-2 Ottery Police Station,
Ottery, Chennai – 600 012.
(Crime No.484 of 2022)

2.Susela @ Kuttiyamma

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in connection with S.C.No.107 of 2023 on the file of the Mahila Court, Allikulam, Chennai filed by the respondent Police and quash the same.

For petitioner : Mr.M.R.Prabhu

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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The Criminal Original Petition has been filed to quash the proceedings in S.C.No.107 of 2023 pending on the file of the Mahila Court, Allikulam, Chennai.

2.The case of the prosecution is that the petitioner who is the husband of the defacto complainant seems to have developed a wordy quarrel with the 2nd respondent and his mother on 20.05.2022 and under the influence of alcohol, he started attacking the 2nd respondent and his mother with knife and caused them injuries. Based on the complaint given by the 2nd respondent, FIR came to be registered in Crime No.484 of 2022. On completion of investigation, final report has been filed before the Court below under Sections 341, 294(b), 324, 326, 307 and 506(ii) of IPC.

3.When the matter was taken up for hearing today, the 2nd respondent was present before this Court in person. She stated that her husband was under the influence of alcohol and hence he did not know as to what he was doing on that day and the 2nd respondent and the mother



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of the petitioner also sustained injuries. She further stated that within a week, the petitioner sought for pardon and he also started taking care of the 2nd respondent well. She stated that there is already a small child and presently she is pregnant. She requested this Court to close the criminal case considering the interest of the petitioner, the 2nd respondent and also the children.

4.Considering the fact that the dispute is between the husband and wife and there is already a small child to be taken care and that apart, the 2nd respondent is also now bearing a child, the continuation of the criminal proceedings will not be in the interest of the respective parties.

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**



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MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482

Cr.P.C. quashes the case in S.C.No.107 of 2023 pending on the file of the Mahila Court, Allikulam, Chennai.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.107 of 2023 pending on the file of the Mahila Court, Allikulam, Chennai, is quashed. Consequently, the connected Miscellaneous Petition is closed.

11.03.2024

krk

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

To

- 1.The Mahila Court,
Allikulam, Chennai
- 2.State rep by
Inspector of Police,
P-2 Ottery Police Station,
Ottery, Chennai – 600 012.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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N.ANAND VENKATESH, J.

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