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CrI.O.P.No.28450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.28450 of 2023

Kosha Mohammed Zahiruddin

.. Petitioner

Vs.

1. Inspector of Police,
All Womens Police Station,
Srinivasan Nagar,
Vellore, Tamil Nadu – 632 004.

2.Fathima Akbar

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.108 of 2020 now pending before the Mahila Court, Vellore (transferred from IV Judicial Magistrate at Vellore in C.C.No.114 of 2011) and quash the same.

For petitioner	:	Mr.Sudharshana Sunder
For R1	:	Mr.A.Gopinath Government Advocate (CrI. Side)
For R2	:	Ms.Ajimath Begam

ORDER



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The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.108 of 2020, pending before the Mahila Court, Vellore (transferred from IV Judicial Magistrate at Vellore in C.C.No.114 of 2011) and quash the same.

2.The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.The Joint Compromise has been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.C.Latha, WPC 254, AWPS, Vellore, (Mobile No. 9498202825). In the Joint Compromise it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in C.C.No.108 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4.As per the compromise between the parties, the 2nd respondent has agreed to withdraw the Domestic Violence Proceedings in DVC.No.126 of 2019 pending before the Additional Mahila Court, Egmore, Chennai during the next date of hearing on 18.03.2024. However, since the 2nd respondent has to undergo Iddath period for one month, the 2nd respondent is permitted to withdraw the Domestic Violence case after 18.04.2024. The Court below shall fix the date accordingly. The presence of the 2nd respondent shall also be dispensed with on 18.03.2024.

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 Suprme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.108 of 2020 on the file of the Mahila



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Court, Vellore.

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5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.108 of 2020 pending on the file of the Mahila Court, Vellore is quashed and the terms of Joint Compromise shall form part and parcel of this order.

11.03.2024

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

- 1.The Mahila Court,
Vellore.
- 2.The Additional Mahila Court,
Egmore, Chennai.
- 3.Inspector of Police,
All Womens Police Station,
Srinivasan Nagar,
Vellore, Tamil Nadu – 632 004.
- 4.The Public Prosecutor,
Madras High Court, Chennai.

N.ANAND VENKATESH, J.



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