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Criminal Original Petition No.29300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.29300 of 2023

Mohamed Sulthan
S/o.Kabeer Ahmed

... Petitioner

Vs.

1.State Rep. By
Inspector of Police
AWPS, Thousand Light Police Station
Chennai
Crime No.8 of 2022

2. Syedli Fathima

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records comprised in Special S.C.No.94 of 2022 on the file of the Sessions Judge (Magalir Court) Chennai and to quash the same.

For Petitioner : Mr.R.Rajadurai
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER



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This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.94 of 2022 pending on the file of Sessions Judge (Magalir Court), Chennai.

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. A Joint Compromise Memo dated 14.12.2023 signed by both parties and their respective counsel and affidavits of petitioner and second respondent have been filed before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Ms.W.Josephin Philomi, WSSI, W1 All Woman Police Station, Thousand Lights, Chennai [Mobile No.94981 26564]. In the affidavits, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in S.C.No.94 of 2022 pending on the file of Sessions Judge (Magalir Court), Chennai. This Court



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also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The victim girl stated that her date of birth is 17.05.2005. She is now presently married and living with the petitioner and there is also a girl child through the marriage named as Zoya Fathima, aged about 1½ years. She stated that she is now living happily with the petitioner and requested this Court to close the criminal case.

4. 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 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in



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S.C.No.94 of 2022 pending on the file of Sessions Judge (Magalir Court),
Chennai.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.94 of 2022 pending on the file of Sessions Judge (Magalir Court), Chennai, is quashed and the terms of Joint Compromise Memo dated 14.12.2023 and the terms of affidavits shall form part and parcel of this order.

04.01.2024

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm



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To
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- 1.The Sessions Judge (Magalir Court),
Chennai.
- 2.The Inspector of Police,
AWPS, Thousand Light Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J

gm

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