



CrI.O.P(MD)No.13962 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP(MD). No.13962 of 2023

and

CRL.MP(MD). No.10938 of 2023

1. Mohamed Jalaludheen
2. Nafaz Nisha @ Navaz Niza
3. Mohamed Abdul Kadhar
4. Syed Kareem Ali Sha Thangal @
Syed Kareem Ali Sha ...Petitioners / Accused Nos. 1 to 4

Vs.

1. The State,
Rep by the Inspector of Police,
AWPS, Thallakulam,
Madurai City.
(Crime No.50 of 2021) ... 1st Respondent / Complainant
2. Mamtha ... 2nd Respondent /
De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.



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No. 121 of 2023 on the file of the Additional Mahila Court (JM Level),
Madurai and quash the same.

For Petitioners : M/s.Haroon Rasheed.D.S
For R-1 : M/s.M.Aasha
Government Advocate (Crl. Side)
For R2 : Mr.K.Srinivasaragavan

ORDER

This criminal original petition is filed with the prayer to call for the records pertaining to C.C. No. 121 of 2023 on the file of the Additional Mahila Court (JM Level), Madurai and quash the same.

2. The learned counsel for the petitioner seeks quashment on compromise. The joint compromise memo is also filed. The parties are also present before the Court.

3. It is seen as per the joint compromise memo that the parties have decided to part as friends and an alimony of Rs.8,00,000/- is agreed to be paid and already a sum of Rs.4,00,000/- is paid and the balance of amount Rs.4,00,000/- will be paid in two installments, one on the day of



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deposition before the mutual consent petition and another on the day of withdrawal of the maintenance case. Upon questioning, the party is seem to understand the terms of the compromise that the de-facto complainant consents that she doesn't want to press the allegation and the case can be quashed on compromise.

4. Considering the same as per the dictum of the Hon'ble Supreme Court of India in ***B.S.Joshi and ors., Vs. State of Haryana and anr.***, reported in ***(2003) 4 SCC 675*** and the subsequent judgments, I am of the view that when the matter arises out of marital discord and the parties have settled the issue one way or the other, this Court can exercise the power under Section 482 of the Code of Criminal Procedure.

5. In view thereof, the criminal original petition shall stands allowed. The joint memorandum of compromise shall form part and parcel of the record. The case in C.C. No. 121 of 2023 on the file of the Additional Mahila Court (JM Level), Madurai shall stand quashed.



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6. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected miscellaneous petition is closed.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1. The Inspector of Police,
AWPS, Thallakulam,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J.

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Order made in
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