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Crl.O.P.No.2447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HON'BLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2447 of 2023

M.Stella Baby

.. Petitioner

Vs.

1.The Inspector of Police
CCB, Salem City

2.C.Senthil

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to C.C.No.455 of 2021 on the file of the Judicial Magistrate Court No.II, Salem and quash the same as abuse of process of law.

For Petitioner : Mr.M.Sridhar

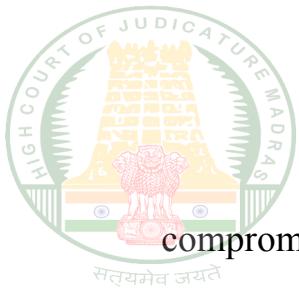
For 1st Respondent : Mr.K.M.D.Muhilan

Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.455 of 2021 on the file of the Judicial Magistrate Court No.II, Salem, thereby taken cognizance for the offences under Sections 10 & 26 of Emigration Act, 1983 and Sections 420 & 109 IPC.

2. Pending this petition, the parties have decided to bury their hatchet and



compromise the dispute amicably among themselves.

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3. The 2nd respondent/*de facto* complainant has filed an affidavit of undertaking before this Court stating that he has no objection in quashing the charge sheet filed against the petitioner in C.C.No.455 of 2021 on the file of the Judicial Magistrate Court No.II, Salem and he has been identified by his counsel and the Police. The 2nd respondent had filed a copy of his Aadhaar Card in the typed set of papers.

4. The learned counsel for the petitioner submitted that since the petitioner had undergone a surgery, she is unable to appear before this Court. In support of this submission, the learned counsel produced a copy of the medical certificate. This submission of the learned counsel for the petitioner which is substantiated by necessary document, is recorded.

5. This Court also enquired both the learned counsel for the petitioner on behalf of the petitioner and the 2nd respondent/*de facto* complainant and was satisfied that the parties have come to an amicable settlement between themselves. The undertaking affidavit filed by the 2nd respondent/*de facto* complainant is taken



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on file.

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6. Under such circumstances, no useful purpose will be served in keeping the proceedings 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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.455 of 2021 on the file of the Judicial Magistrate Court No.II, Salem.

7. In view of the above, the proceedings in C.C.No.455 of 2021 on the file of the Judicial Magistrate Court No.II, Salem, is hereby quashed as against the petitioner alone. The Trial Court is directed to proceed with the trial as against the other accused person. The petitioner shall pay a sum of Rs.5,000/-, (Rupees Five Thousand only) as costs, to the Chief Justice Relief Fund, Tamil Nadu, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Accordingly, this Criminal Original Petition stands allowed.

19.02.2025

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G.K.ILANTHIRAIYAN, J.

gya



Crl.O.P.No.2447 of 2023

To

1.The Inspector of Police
CCB, Salem City

2.Judicial Magistrate Court No.II
Salem

3.The Public Prosecutor
High Court, Madras

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