

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 9-10-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.14783 of 2015

M.P.No.1 of 2015

1. D. Thamaraimanalan
2. N. Dhayalan
3. D. Varalakshmi .. Petitioners

Vs.

1. The Station House Officer,
Inspector of Police,
All Women Police Station,
Puducherry - 605 001
(Crime No.3/15).
2. Kiruthiga .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. with a prayer to call for the records relating to the impugned FIR No.3 of 2015 pending investigation on the file of the first respondent Police and quash the same as highly illegal and abuse of process of Court.

For Petitioners : Mr.J.Zeakumar

For 1st Respondent : Mr.Thangavel,
Additional Public Prosecutor
(Puducherry)

For 2nd Respondent : Mr.M.Gnanasekar

O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. It is seen that D.Thamaraimanalan (A-1) got married to Kiruthiga (defacto complainant) on 18.5.2012 and they have no issues. It appears that their marriage ran into rough weather and the couple got estranged.

3. Kiruthiga (defacto complainant) filed a private complaint against D.Thamaraimanalan and two others, and on the directions of the learned Chief Judicial Magistrate, Puducherry under Section 156 of Cr.P.C. the first respondent Police registered a case in Crime

No.3 of 2015 for the offences under Sections 377, 406, 109 r/w 34 IPC, challenging which the accused are before this Court on the ground that the parties have arrived at an amicable settlement.

4. Today D.Thamaraimanalan (A-1) and Kiruthiga (defacto complainant) are present in the Court. They have filed a joint affidavit dated 21.9.2015 wherein paragraphs 1 to 3 reads as follows:

"1. We the petitioners 1 to 3 and respondent herein hereto have sorted out our dispute and differences between ourselves out of our own consent and willingness mutually with the assistance of our family members, relatives and well wishers and thereby have entered into a joint compromise memo.

2. I the respondent (wife) submit that I hereby in pursuance of the compromise do hereby withdraw the complaint and allegation made against the petitioners in Crime No.3/2015 under Section 377, 406, 109 r/w 34 of I.P.C.

3. We the petitioners and respondent jointly submit that we are withdrawing our respective allegations made against each others in the above proceedings in view of this compromise being entered between us."

4. In view of the above, this petition is allowed and the prosecution in FIR No.3 of 2015 on the file of the Inspector of Police, All Women Police Station, Puducherry/first respondent herein, is hereby quashed. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vr

To

1. The Inspector of Police, All Women Police Station, Puducherry.

2. The Public Prosecutor (Puducherry), High Court, Chennai.

1 cc to M/s. Achari and Antoni Associates, Sr. 55425

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SVI (CO)

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