

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27298 of 2015

1.K.S.M.Karthikeya
2.Aravind

... Petitioners

Vs

1.State, rep. by its
Inspector of Police,
Udhiyur Police Station,
Kangayam.

2.Renuka Devi ... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in Crime No.56 of 2014 on the
file of the first respondent police and quash the same.

For Petitioners :Mr.R.Vivekananthan

For respondents :Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1
Mr.S.Saravanan,
for R.2

ORDER

The present criminal original petition has been filed
to call for the records in Crime No.56 of 2014 on the file of
the first respondent police and quash the same.

2. The petitioners are accused in Crime No.56 of 2014
pending on the file of the first respondent police. The second
respondent is the de facto complainant.

3. The brief facts are as follows:- The marriage
between the first petitioner and the second respondent was
solemnized on 1.11.2001 and due to their wedlock, two daughters
were born to them. Subsequently, dispute arose between the first
petitioner and the second respondent and the second respondent
preferred a complaint with the first respondent police against
the first petitioner and his brother, the second petitioner

herein on the allegation that they have kidnapped her daughters. Based on the said complaint, a case has been registered in Crime No.56 of 2014 for the alleged offence punishable under sections 147, 148, 363, 323 and 506(ii) I.P.C. and Section 5 of the TNPPDL Act read with Section 25(1)(a) of the Arms Act, 1957. Thereafter, the second respondent filed a Habeas Corpus Petition in H.C.P.No.1355 of 2014 before this Court and the same was disposed of on 27.6.2014. Aggrieved over the said order, the first petitioner preferred SLP before the Hon'ble Supreme Court in SLP No.4855 of 2014 and the Hon'ble Supreme Court disposed of the said SLP on 1.8.2014 with the following observations:-

" 6. ... Further proceedings in Crime No.366 of 2014, Udhiyur Police Station and Crime No.7 of 2014, Kangayam Police Station, both filed against the husband shall remain stayed to enable the parties to have their matrimonial disputes resolved amicably in its entirety.

7. ... Until permission of this Court, no further case would be lodged by either of the parties against each other."

In view of the said observations, the petitioners have filed the present criminal original petition to quash the FIR in Crime No.56 of 2014 pending on the file of the first respondent police.

4. Today, when the matter was taken up for consideration, the first petitioner and the second respondent filed separate affidavits stating that they have amicably settled the disputes between them and they have undertaken that they will not file any case against each other and the second petitioner. Further, in the affidavits filed by them, they have stated that they have no claim against each other. Thus, they sought for quashing the FIR in Crime No.56 of 2014 on the file of the first respondent police.

5. But, the learned Additional Public Prosecutor opposed to quash the FIR stating that the complaint was registered under Section 25(1)(a) of the Arms Act, 1957, which is a non-compoundable offence.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. While disposing the Special Leave Petition in S.L.P.No.4855 of 2014, the Hon'ble Supreme Court has stayed the proceedings pending against the first petitioner in Crime No.366 of 2014, Udhiyur Police Station and Crime No.7 of 2014, Kangayam Police Station to enable the parties to have their matrimonial

disputes resolved amicably in its entirety. Only pursuant to the directions of the Hon'ble Supreme Court, a compromise was arrived at between the parties. Hence, I am of the opinion that based on the compromise arrived at between the parties, the FIR in Crime No.56 of 2014 pending on the file of the first respondent could be quashed in respect of the petitioners / accused.

8. In fine, the FIR in Crime No.56 of 2014 pending on the file of the first respondent is quashed in respect of the petitioners / accused and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Udhiyur Police Station,
Kangayam.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Vivekananthan, Advocate, S.R.No.1644

सत्यमेव जयते

CrI.O.P.No.27298 of 2015

kji (CO)
srg (27/01/2016)

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