

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.Nos.3858 and 10722 of 2015
and
M.P.Nos.1 and 1 of 2015

1.Karthik @ Rathinapragash
2.Varadhan @ Calivaradhan
3.Vasantha
4.Rathinapriya

... Petitioners
in both the petitions

Vs

1.Renuga
2.The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.

... Respondents in
both the petitions.

Criminal Original Petitions filed under Section 482
Cr.P.C. to call for records in Crime No.14 of 2014 on the file
of the Inspector of Police, All Women Police Station, Villianur,
Puducherry and quash the same.

For Petitioners : Mr.N.Suresh,
in both the petitions

For respondents : Mr.C.Emalias,
in both the petitions Additional Public Prosecutor,
for R.2

COMMON ORDER

The criminal original petition No.3858 of 29015 has
been filed by the petitioners to call for records in Crime No.14
of 2014 pending on the file of the Inspector of Police, All
Women Police Station, Villianur, Puducherry, the second
respondent herein and quash the same.

2. The petitioners are the husband, father in law,
mother in law and sister in law of the first respondent. The

marriage between the first petitioner and the first respondent took place on 15.11.2013 at Sri Mahakaleswaran Temple, Irumbai, Vanur Taluk, Villupuram District. Subsequently, the first respondent has lodged a complaint with the second respondent police as against the petitioners and on the basis of the said complaint, a case has been registered in Crime No.14 of 2014 for the alleged offence punishable under Sections 417 and 377 read with 34 I.P.C. To quash the said complaint, the petitioners have come forward with Crl.O.P.No.3858 of 2015.

3. Earlier, the first petitioner herein filed a petition in H.M.O.P.No.123 of 2014 before the learned Principal Subordinate Judge, Tindivanam, to pass a decree of divorce in his favour and against the first respondent by dissolving the marriage solemnized on 15.11.2013 at Sri Mahakaleswaran Temple, Irumbai, Vanur Taluk, Villupuram District. In the said HMOP, a compromise was arrived at between the first petitioner and the first respondent and a joint memo was also filed between the parties in the said HMOP. The said joint memo of compromise entered into between the parties reads as follows:-

" 4. The petitioner herein delivered all the movable properties, gold ornaments, jewels and silver items as mentioned in the petition that were offered by the respondent's family and he also received back all the items and jewels as mentioned in the petition that were given to the respondent for the marriage. Now, there are no movables or jewels or silver items to be delivered by the petitioner and the respondent among them.

5. The respondent herein submits that she had received a sum of Rs.8,50,000/- (Rupees eight lakh and fifty thousand only) in cash from the petitioner on 14.2.2015 as compensation towards divorce and maintenance in Full Quit. As such, the respondent hereby agrees to withdraw the maintenance case No.2/2015 filed by her on the file of the Hon'ble Family Court at Puducherry against the petitioner. Further the respondent declared that she will not claim any future maintenance after this date.

6. The respondent herein submits that in respect of the complaint given by her, an FIR in Crime Number 14/2014 has been lodged by the S.H.O. All Women Police Station, Villianur, Puducherry against the petitioner, his parents and his sister under Sections 377, 417 read with 34 of Indian Penal Code. The respondent herein withdraws all the allegations made by her in the said complaint. Besides, the respondent has no objection in the petition for quashing the FIR filed by the petitioner herein in Criminal O.P.No.3858 of

2015 on the file of Hon'ble High Court of Judicature at Madras in view of this compromise arrived at between the petitioner and the respondent. "

Thus, it was agreed by the first respondent that she has no objection to quash the FIR in Crime No.14 of 2014 pending on the file of the second respondent police as against the petitioners. Based on the said compromise, a decree of divorce in favour of the first petitioner and as against the first respondent by dissolving the marriage, was granted. Thereafter, the petitioners filed another petition before this Court in Crl.O.P.No.10722 of 2015 seeking the same relief made in Crl.O.P.No.3858 of 2015.

4. Though notice was served on the first respondent and her name was printed in the cause list, she has not chosen to appear before this Court either in person or through counsel. But, the joint memo filed by both the parties before the lower Court and the judgment passed in HMOP No.123 of 2014 were produced before this Court for perusal. In the joint memo, the first respondent has agreed that she has no objection to quash the FIR in Crime No.14 of 2014 in view of the compromise arrived at between her and the first petitioner.

5. Considering the facts and circumstances of the case and in view of the compromise arrived at between the parties in HMOP No.123 of 2014, I am of the opinion that the FIR in Crime No.14 of 2014 pending on the file of the second respondent police is liable to be quashed and accordingly, quashed in respect of all the petitioners and Crl.O.P.No.3858 of 2015 is allowed. Consequently, connected miscellaneous petition is closed.

6. Since the FIR in Crime No.14 of 2014 pending on the file of the second respondent police is quashed in respect of all the petitioners in Crl.O.P.No.3858 of 2015, the subsequent petition in Crl.O.P.No.10722 of 2015 for the same relief, is closed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Inspector of Police,

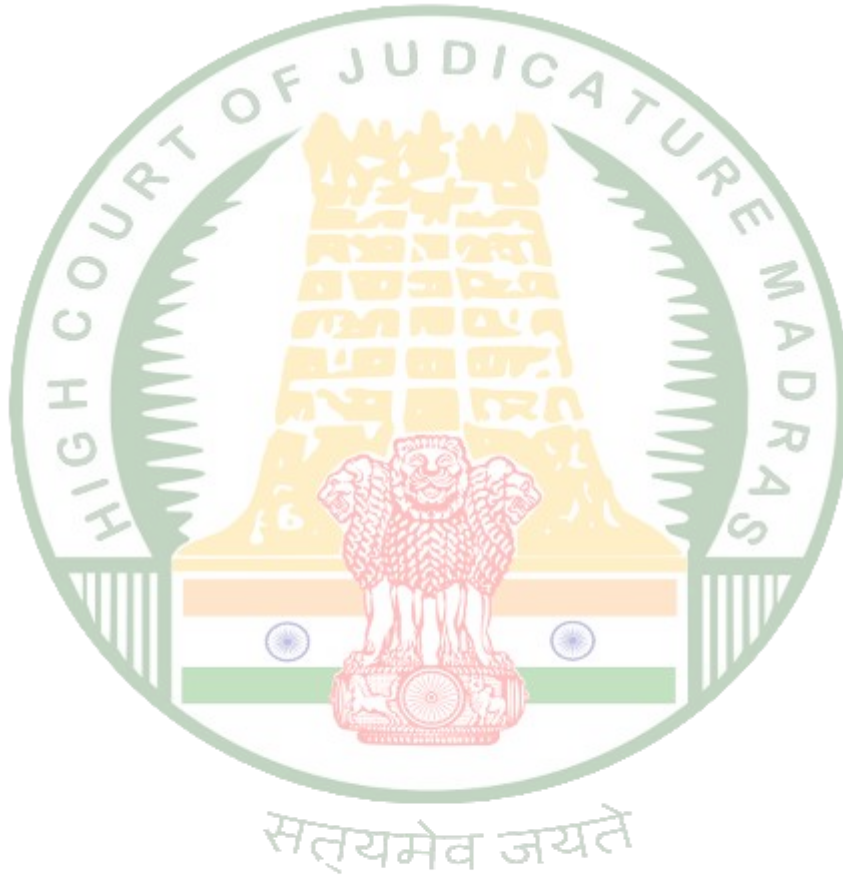
All Women Police Station,
Villianur, Puducherry.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.N.Suresh, Advocate Sr 4280 (4/4/16)

Crl.O.P.Nos.3858 and 10722 of 2015

PPA(CO)
CA(08/02/2016)



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