



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P. (MD) No.22046 of 2016

Vairavarajan

... Petitioner/Sole Accused

-vs-

1. State through

The Special Sub Inspector of Police,
C-5, Karimedu(Law & Order) Police Station,
Madurai District.

In Crime No.115 of 2013

... 1st Respondent/Complainant

2. U.Chelladurai

... 2nd Respondent/Defacto
Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records from the respondent police in Crime No.115 of 2013 and quash the same.

For Petitioner : Mrs.A.Banumathy

For R1 : Mr.P.Kannithevan

Government Advocate(Cr1.side)

For R2 : Mr.S.T.Sasidharan Tamilkani

O R D E R

This petition has been filed seeking to quash FIR in Crime No.115 of 2013 on the file of the first respondent pursuant to the amicable settlement effected between the parties.

2.The second respondent, who is the father of the deceased, has alleged in the complaint that at the time of marriage of his daughter namely Sudha with the petitioner,he provided gold sovereigns and household utensils worth about Rs.3 lakhs and subsequently, she was not living happily and on 10.12.2013, he was informed that his daughter committed suicide. Except these allegations, the defacto complainant has not made any allegation of dowry demand or torture against the accused.

3. The learned counsel appearing on either side filed a joint memo of compromise dated 17.11.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed to quash the FIR in Crime No. 115 of 2013 on the file of the respondent police.

4. The second respondent, who has appeared in person, would submit that the deceased daughter had one son and now the accused



had handed over the custody of the son to the second respondent and the petitioner's father has gifted property in favour of his grand-son on 29.11.2016. He further submitted that he has no objection to quash the FIR.

5. It is seen that the petitioner who is admittedly the father of the minor son namely Abinash is not paying any maintenance and therefore, the claim of maintenance is left open.

6. Further, the petitioner has paid Rs.40,000/- to Government School and he has produced the copy of receipt.

7. The petitioner has also filed an affidavit dated 30.11.2016 stating that he will not claim any right over the minor son namely Abinash and he can be taken care of by the second respondent herein.

8. Considering the nature of allegations and in view of joint memo of compromise dated 17.11.2016 and recording the affidavit filed by the petitioner, this Court is of the opinion that no useful purpose would be served in keeping the proceeding pending. Therefore, the entire proceedings in Crime No. 115 of 2013 on the file of first respondent police in respect of the petitioner/sole accused, are hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 17.11.2016 shall form part of this order.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Special Sub Inspector of Police, C-5, Karimedu (Law & Order) Police Station, Madurai District.
2. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.A.Banumathy, Advocate in SR No.78530.

Compromise Memo is enclosed.

CM

TTN/MPA-JK/18.01.2017 : 2P-4C