

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.10840 of 2018

and

Crl.O.P.No.8454 of 2017

and Crl.M.P.No.6045 of 2017

A.Anand ... Petitioner
in Crl.O.P.No.10840 of 2018/A 1

1.P.Ayyakkannu
2.S.Vanmathi ... Petitioners
in Crl.O.P.No.8454 of 2017/A2 & A3

Vs

1.State through
The Inspector of Police,
W-15, All Women Police Station,
Royapuram,
Chennai-600 013.

2.A.Swapna ... Respondents in both petitions

Prayer in both petitions:- Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.6 of 2016 pending investigation on the file of the 1st respondent and to quash the same.

For Petitioners :Mr.R.Ganesh Kumar
in both petitions

For Respondents :Ms.P.Kritika Kamal,
Government Advocate (Crl.Side)
for R1 in both petitions

Mr.S.Kesavan for R2
in both petitions

COMMON ORDER

These petitions have been filed to quash the proceedings in Crime No.6 of 2016 on the file of the 1st respondent police.

2.Swapna got married to Anand on 12.02.2016 and after marriage, on account of misunderstanding, they got separated. On the complaint lodged by Swapna, the police have registered a case in Crime No.6 of 2016 on 25.08.2016 for the offences under Sections 417, 406, 498A and 506(i) of IPC against Anand(A1), Ayyakkannu(A2) and Vanmathi(A3). Now, these petitions have been filed for quashing the FIR on the ground that the defacto complainant and the petitioners/accused have arrived at an amicable settlement.

3.Today, Anand(A1), Ayyakkannu(A2), Vanmathi(A3) and Swapna, the defacto complainant are present before this Court.

4.Swapna has filed an affidavit, wherein at Paragraphs 4, 5 and 6 it is stated as follows:

"4.I submit that I am willing to close/quash the FIR which was registered as against my husband and his parents based on the mutual settlement arrived between myself and the petitioner herein. I submit that I have as on date received a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) through Demand Draft dated 22.03.2018 vide No.549104 drawn on M/s.State Bank of India, Nagapattinam Branch and agreed to receive further sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only) as permanent alimony. The same shall be paid as mentioned/scheduled in the petition for Divorce on the Ground of Mutual Consent.

5.I submit that my father-in-law and mother-in-law, who are arrayed as second and third accused in the FIR have also preferred a Quash petition in CrI.O.P.No.8454 of 2017 for quashing the FIR and I am also prepared to give consent for quashing the case as against them also, for the reasons stated in the foregoing paragraphs.

6.I submit that no prejudice will be caused if this quash petition is allowed. It is submitted that the First Information Report, which had been registered by the first respondent indicates a matrimonial dispute between myself and the petitioner which is private nature. It is no doubt true that the First Information Report was the basis of the investigation by the

Police authorities, but the dispute between the parties remained one of a personal nature.”

In view of the above, these Criminal Original Petitions are allowed and the FIR in Crime No.6 of 2016 pending on the file of the 1st respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-vi)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Inspector of Police,
W-15, All Women Police Station,
Royapuram,
Chennai-600 013.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+2cc to Mr.R.GANESHKUMAR, Advocate, S.R.No. 25444 & 25445

Crl.O.P.Nos.10840 of 2018
and
Crl.O.P.No.8454 of 2017
and Crl.M.P.No.6045 of 2017

RK(CO)
TR(09/04/2018)

सत्यमेव जयते

WEB COPY