

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.18921 of 2018

and

CrI.MP.No.9975 of 2018

1. Mohammed Ishaq
2. A.R.Shajahan
3. S.Kamila
4. Abdul Vahab

...Petitioners

vs.

1. State Rep. by
The Inspector of Police
W-3, All Women Police Station
Chennai.

2. B.Ruhaiya Jamruth

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records and quash the FIR in Crime No.7 of 2018 on the file of the Inspector of Police, W-3, All Women Police Station, Chintadripet, Chennai and quash the proceedings therein same.

For petitioners : Mr.K.Purushothaman

For Respondents : Mr.C.Iyyappa Raj

Additional Public Prosecutor, for R1

Mr.L.Baskaran, for R2

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.7 of 2018 on the file of the Inspector of Police, W-3, All Women Police Station, Chintadripet, Chennai and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police has registered a case in Crime No.7 of 2018 for the offences under Sections 342, 406 and 323 IPC on 17.07.2018 against the petitioners, for quashing which, the petitioners/accused has filed the present petition on the ground that the second respondent and the petitioners have arrived at a compromise.

3. Today, the de facto complainant is present before this Court and he is identified by his counsel Mr.L.Baskaran, (Enrol.No.126 of 1999) and the petitioner Nos.1 & 2 are present before this Court and they are identified by their counsel Mr.K.Purushothaman, (Enrol.No.2308 of 2012).

4. Both the parties have filed a joint memo of compromise dated 23.07.2018. The de facto complainant/second respondent has filed an affidavit dated 24.07.2018, wherein in Paragraph Nos.4, 5 and 6, he has stated as follows:

"4. I submit that due to the advice of the elders and family friends we were able to sort out our marital discord and have come to the conclusion that we cannot live together peacefully and decided to go separate ways. The first petitioner and myself had entered into an memorandum of understanding dated 23.07.2018 whereby we have agreed not to pursue any litigation civil or criminal against each other and withdraw the criminal complaint in Crime No.7 of 2018. In that memorandum of understanding I have agreed withdraw the criminal complaint in Crime No.7 of 2018 on the file of the first respondent.

5. I submit that in view of the memorandum of understanding and the fact that the first petitioner and myself had amicably resolved all the issues and this filed a petition seeking mutual consent there are no issues pending between the petitioners. In such circumstances the petitioners seek to quash the criminal complaint in Crime Number 7 of 2018 on the file of the first respondent. Since the offences alleged in the complaint or of a non-compoundable nature, we have filed this application to quash the criminal proceedings based on the memorandum of understanding dated 23.07.2018.

6. I submit that since we have settled all disputes amicably between ourselves by entering into a memorandum of understanding dated 23.07.2018 thereby we have agreed not to pursue any litigation civil or criminal against each other. On this ground this Hon'ble Court may be quash the above proceedings in Cr.No.7 of 2018 on the file of the 1st respondent police. I have no objection in quashing the FIR in Crime No.7 of 2018."

5. Since the parties have arrived at a compromise as stated above this petition is allowed and the proceeding in Crime No.7 of 2018 is hereby quashed.

6. The petitioners/accused and the second respondent/de facto complainant are directed to pay costs of Rs.1,000/- (Rupees One Thousand Only) each (totally Rs.5,000/-) to the credit of the Chief Justice Relief Fund (Payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo for reporting compliance in the Registry. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Inspector of Police
W-3, All Women Police Station
Chennai.
2. The Public Prosecutor
High Court, Madras.
3. The Section Officer
Accounts Section
High Court of Madras.
Chennai-600 104.

+2cc to Mr.A.Saravanan, Advocate, S.R.No.51178

Cr1.O.P. No.18921 of 2018

SJ(CO)
GSP(10/08/2018)

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