

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11551 of 2018 & 28816 of 2017
and
Crl.M.P.Nos.6028 of 2018 & 16317 of 2017

Crl.O.P.No.11551 of 2018:

L.Rama Devi

... Petitioner

Vs.

1.K.Rathiga

2.Kiran Kumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.M.P.No.3635 of 2017 in D.V.C.No.463 of 2017 and set aside the order dated November 28th, 2017 passed in C.M.P.No.3635 of 2017 in DVC No.463 of 2017 on the file of the Additional Mahila Court at Egmore, Chennai.

For Petitioner : Mr.S.R.Raghunathan
For M/s.B.A.Prakash

For Respondents
For R1 : Mr.R.Rajarathinam

Crl.O.P.No.28816 of 2017 :

1.L.Rama Devi

2.S.V.Lakshmi Narayanan

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
All Womens Police Station - Town,
Pondicherry District.

2.K.Rathiga

... Respondents

WEB COPY

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to Crime No.5 of 2017 on the file of the All Womens Police Station (Town), Pondicherry and quash the FIR filed by the respondent.

For Petitioners: Mr.S.R.Raghunathan
for M/s.Ramesh Umapathy

For Respondents

For R1 : Mr.V.Balamurugan
Additional Public Prosecutor
(Pondicherry)

For R2 : Mr.R.Rajarathinam

C O M M O N O R D E R

These Criminal Original Petitions have been filed to set aside the order dated 28.11.2017 made in C.M.P.No.3635 of 2017 in D.V.C. No.463 of 2017 on the file of the Additional Mahila Court at Egmore, Chennai and to quash the FIR in Crime No.5 of 2017 on the file of the All Womens Police Station (Town), Pondicherry.

2.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Memo of Compromise and a Memorandum of Understanding have been filed before this Court, which have been signed by the husband and wife, wherein, the wife has undertaken to withdraw her criminal complaint in Crime No.5 of 2017 and has also undertaken to withdraw the Domestic Violence Case in D.V.C.No.463 of 2017. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report or the Domestic Violence Case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.5 of 2017 and sets aside the order in C.M.P.No.3635 of 2017 in D.V.C.No.463 of 2017 dated 28.11.2017.

5.These Criminal Original Petitions stand allowed and as a sequel, the prosecution in Crime No.5 of 2017 on the file of the

All Womens Police Station (Town), Pondicherry, is quashed and the order made in C.M.P.No.3635 of 2017 in D.V.C.No.463 of 2017, dated 28.11.2017, is set aside. Consequently, connected Miscellaneous Petitions are closed.

6.The terms of Joint Memo of Compromise shall form part and parcel of this Order. Each of the petitioners in both the petitions shall pay a sum of Rs.5,000/- as costs, to the Chennapuri Annadana Samajam, No.2, Sundara Salai, R.A. Puram, Chennai - 600 028, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

mkn

*Photostat copy of the
Joint compromise memo enclosed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
All Womens Police Station - Town,
Pondicherry District.
- 2.The Judge, Additional Mahila Court,
Egmore, Chennai.
3. The Registrar (Judicial),
High Court,
Madras - 104.
4. The Public Prosecutor, High Court, Puducherry.

Copy to:-

The Secretary,
Chennapuri Annadana Samajam,
No.2, Sundara Salai,
R.A.Puram, Chennai. - 600 028.

+2cc to Mr.R.Rajaratnam, Advocate, SR.No.17402
+1cc to The Public Prosecutor, Puducherry, High Court
Madras, SR.No.17393

CrI.O.P.Nos.11551 of 2018 and
28816 of 2017

Kak(26/04/2019)