

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7343 of 2019 and
Crl.M.P.No.4079 of 2019

Mridula

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Inspector of Police,
W-8, Thirumangalam All Women Police Station,
Chennai
- 2.Dr.Ram Shankar
- 3.A.K.Shankaranarayanan Nair
- 4.Ramya Devi ... Respondents

Prayer : Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records to the FIR in Crime No.23 of 2018 on the file of the Inspector of Police, W-8, Thirumangalam All Women Police Station, Chennai and quash the same as against the respondents 2 to 4.

For Petitioner : Mr.Deepa Harigovind

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1
: Mr.S.Anil Sandeep for R2 to R4

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.23 of 2018 registered by the Inspector of Police, W-8, Thirumangalam All Women Police Station, Chennai for the offences under Sections 498(a) and 506(ii) I.P.C.

2. The learned counsel appearing for the petitioner would submit that the parties have entered into a joint memo of compromise dated 25.03.2019, which has been enclosed in the petition. As such he prayed for quashment of proceedings in Crime No.23 of 2018 on the file of the Inspector of Police, W-8, Thirumangalam All Women Police Station, Chennai.

3. It is seen that joint memo of compromise dated 25.03.2019 has been entered between the parties, which is extracted hereunder:

"1.It is stated that the petitioner had filed a complaint with the 1st respondent as against the respondents 2 to 4 and a FIR in Crime No.23 of 2018 was registered against the respondents 2 to 4 for alleged offences under Sections 498(a) & 506(ii) of I.P.C.

2. It is stated that the 2nd respondent is the husband of the petitioner. The 3rd respondent is the father of the 2nd respondent. The 4th respondent is the sister of the 2nd respondent.

3. It is stated that the petitioner and the 2nd respondent were married on 26.08.2012 at Sree Krishna Temple, Guruvayur, Trichur District, Kerala State and their marriage was solemnized as per Hindu Rites and Customs. Our marriage was registered as Serial No.176 of 2014 on 28.07.2014 in the office of the Sub-Registrar at Villivakkam, Chennai.

4. It is stated that the petitioner and the 2nd respondent have subsequently separated. There is no child out of their wed-lock. They have exchanged their articles and have no claim against each other for any moveable or immoveable properties.

5. It is stated that the petitioner and the 2nd respondent have also filed a petition for divorce by mutual consent in O.P.No.334 of 2019 on the file of the Hon'ble Principal Family Court at Chennai.

6. It is stated that the subject matter of Crime No.23 of 2018 on the file of the 1st respondent, relates to the marital discord between the petitioner and the respondents 2 to 4. All of them have reached a compromise in the matter and all disputes thereof between them have been settled and recorded in the petition for divorce by mutual consent filed by the petitioner and the 2nd respondent in O.P.No.334 of 2019 on the file of the Hon'ble Principal Family Court at Chennai.

7. It is stated that as far as settlement of their monetary issues and the provision of permanent alimony to the petitioner is concerned, the 2nd respondent has agreed to pay a sum of Rs.15 Lakhs (Rupees Fifteen Lakhs only) in all, to the petitioner. Out of the said agreed sum of Rs.15 Lakhs, a sum of Rs.5 Lakhs (Rupees Five Lakhs only)

has been paid by the 2nd respondent to the petitioner, through a Demand Draft dated 09.01.2019 bearing no.070089 drawn on the HDFC Bank, Anna Nagar I Branch, Chennai, in favour of the petitioner, on the day of the filing of O.P.No.334 of 2019.

8. It is stated that the 2nd respondent has paid the petitioner a further sum of Rs.5 Lakhs (Rupees Five Lakhs only) from and out of the said total sum of Rs.15 Lakhs, on this date through a Demand Draft dated 16.03.2019 bearing no.497606 drawn on the State Bank of India, Anna Nagar West Extension Branch, Chennai, in favour of the petitioner, which he had agreed to pay upon withdrawal/compounding of all criminal proceedings/complaints initiated by the petitioner against the respondents 2 to 4. The remaining sum of Rs.5 Lakhs (Rupees Five Lakhs only) from and out of the said total sum of Rs.15 Lakhs, is to be paid on the date of the final hearing of O.P.No.334 of 2019.

9. It is stated that in view of the amicable settlement of issues between the petitioner and the respondents 2 to 4 and the filing of O.P.No.334 of 2019, the petitioner had agreed to give a closure to the proceedings in Crime No.23 of 2018 on the file of the 1st respondent and to cooperate and file to quash the FIR and not to precipitate any issue between them or their families and to make no claim whatsoever against each other in respect of the matrimony or any other issues for that matter and not to interfere in each other's personal lives ever again."

4. In view of the joint memo of compromise dated 25.03.2019 entered between the parties, this Court is of the view that no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. The terms of Joint Memo of Compromise shall form part and parcel of this Order. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.23 of 2018 on the file of the Inspector of Police, W-8, Thirumangalam All Women Police Station, Chennai is quashed as against the respondents 2 to 4. Consequently, connected miscellaneous petition is closed.

(Encl:Xerox Copy of Joint Memo of Compromise)

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

lok

To

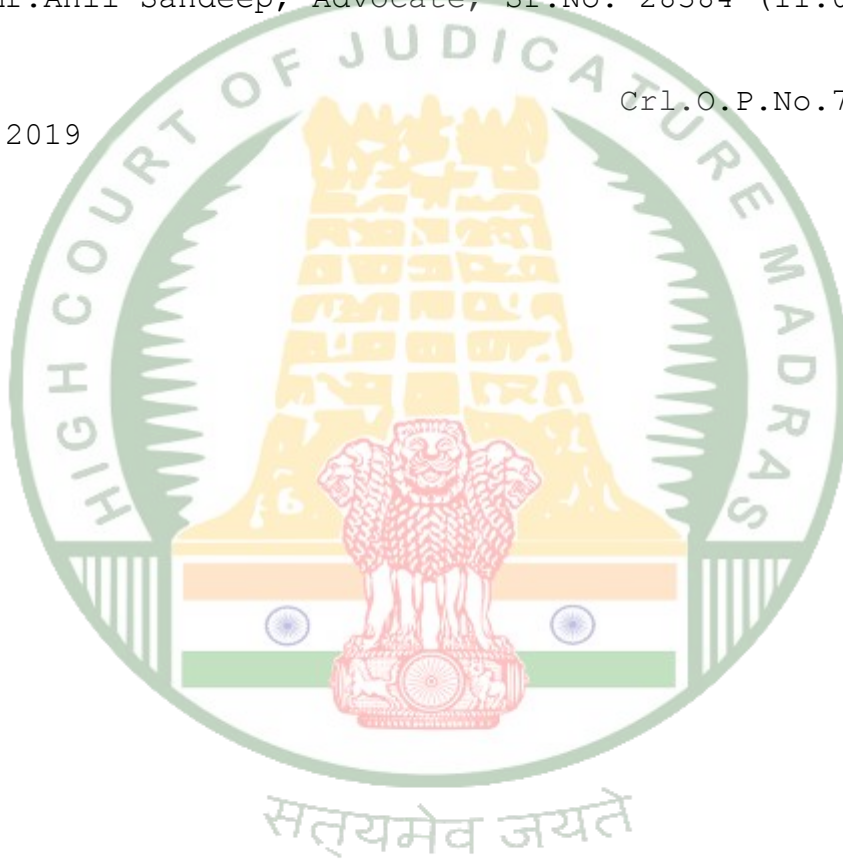
1. The Inspector of Police,
W-8, Thirumangalam All Women Police Station,
Chennai
2. The Additional Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Anil Sandeep, Advocate, Sr.No. 28384

+2 cc to Mr.Anil Sandeep, Advocate, Sr.No. 28384 (11.07.2019)

CSL/10.06.2019

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