

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11270 and 11163 of 2019

1.D.Deepak Devalla,
2.Raji Chandramouli
3.D.Kailash
4.Thiruvengada Murthi

...Petitioners
in both Crl.O.Ps

Vs.

1.State by,
Inspector of Police,
All Woman Police Station,
Villianour,
Puducherry.
Crime No.1 of 2018

...1st & 2nd Respondents
in Crl.O.P.No.11270/2019

2.R.Rajeswari @ Akalya

.... Sole Respondent
in Crl.O.P.No.11163/2019

Crl.O.P.No.11270 of 2019: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the record and quash the F.I.R., in Crime No.1 of 2018, pending on the file of the 1st respondent.

Crl.O.P.No.11163 of 2019: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the record and quash D.V.C.No.25 of 2017 pending on the file of the Judicial Magistrate III, Puducherry.

For Petitioners: Mr.L.Mahendran

For Respondents

For R1 : Mr.V.Balamurugane
Additional Public Prosecutor in
Crl O.P .11270/19

For R2 : Mr.R.Ravindran in Crl OP No.11270/19 &
Sole Respondent in Crl OP 11163/19

O R D E R

These Criminal Original Petitions have been filed to quash the F.I.R in Crime No.1 of 2018 on the file of the 1st respondent Police and to Quash the proceedings in D.V.C.No.25 of 2017 pending on the file of the Judicial Magistrate III, Puducherry, pursuant to the compromise arrived at by the parties.

2.The case in Crime No.1 of 2018 is still in the stage of investigation. 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 has been filed before this Court which have been signed by the petitioners and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card, which are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.The relevant portion of the joint memo of compromise is extracted hereunder:

2.The petitioners and respondent/complainant submits that as per the direction of the Hon'ble High Court of Madras passed in CrI.O.P.no.11978/2018, the sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) was already paid to the complainant by the petitioners. For the purchase of peace the petitioners are ready to pay an additional amount of Rs.1,00,000/- to the respondent/complainant and the same is accepted by the respondent/complainant. Hence, the additional payment of Rs.1,00,000/- is to be given in the following manner.

ii)Rs.50,000/- will be paid by way of Demand Draft, at the time of giving consent affidavit for quashing the Crime No.1 of 2018, on the file of Inspector of Police, All Woman Police Station, Villianour, Puducherry and also giving consent affidavit for quashing the D.V.C.No.25/2017, on the file of the Judicial Magistrate Magistrate-III, Puducherry.

iii)Rs.50,000/-will be paid by way of Demand Draft, at the time of giving consent to mutual divorce or giving consent affidavit for not claiming any amount whatsoever towards past, present and future maintenance or permanent alimony from the 1st

petitioners and also from his family.

3.The petitioners submit that full and final settlement is arrived between them and the sum of Rs.35,00,000/- (Rupees Thrity Five Lakhs) was alrady paid as per the direction of High Court in Crl.O.P.No.11978/2018 and the additional sum of Rs.1,00,000/- will be paid as per the above said manner and the same is agreed and accepted by the respondent/complainant."

5.Under such circumstances, no useful purpose will be served in keeping the First Information Report 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.280 of 2018.

6.These Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime No.1 of 2018, on the file of the Inspector of Police, All Women Police Station, Villianour, Puducherry, and the proceedings in D.V.C.No.25 of 2017 are quashed and the terms of Joint Memo of Compromise shall form part and parcel of this Order. Each of the petitioners shall pay a sum of Rs.5,000/-, as costs, to the "Manasu (Mana Nala Sugalayam) No.695/2, Vaithiar Street, Thirusalam, Chennai-43. Phone Nos.22640809 / 7299110658 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.

rm

* Copy of Joint compromise memo enclosed.

Sd/-
सत्यमेव जयते Assistant Registrar

//True Copy//

WEB COPY Sub Assistant Registrar

To

1.The Inspector of Police,
All Woman Police Station,
Villianour,
Puducherry.

Copy to :-

1. The Inspector of Police,
All Women Police Station,
Villianour,
Puducherry.
2. The Public Prosecutor, (Puducherry)
High Court, Madras.

Copy to:-

1. "Manasu (Mana Nala Sugalayam)
No.695/2, Vaithiar Street,
Thirusalam, Chennai-43.
 2. The Section Officer,
Criminal Section,
High Court, Madras - 104.
- +3cc to Mr. L.Mahendran, Advocate, SR.No.41791, 41790
+1cc to Mr.R.Ravindran, Advocate, SR.No.41608
+1cc to The Public Prosecutor for Puducherry, SR.No.41427
+2cc to Mr.L.Mahendran, Advocate, SR.No.41789
(dated : 17/06/2019)
+1cc to Mr.L.Mahendran, Advocate, SR.No.41788
(dated : 17/06/2019)

CrI.O.P.Nos.11270 and 11163 of 2019

Kak(14/06/2019)

सत्यमेव जयते

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