



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)Nos.1363 & 1871 of 2018
and
Crl.M.P.(MD)Nos.588 & 1058 of 2018

Crl.O.P.(MD)No.1363 of 2018

1.S.Alexander

2.M.Solomon john Bosco

3.B.Chandra Prabah ... Petitioners/A1 to A3

Vs.

1.State through
The Inspector of Police,
All Women Police Station,
Aundipatty, Theni District.
(Crime No.15/2017)

: 1st Respondent/Complainant

2.Tharani : 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in Cr.No.15/2017 on the file of the 1st respondent police and quash the same as against these petitioners.

For Petitioner : Mr.T.K.Gopalan

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

For R2 : Mr.Sivakumar

Crl.O.P.(MD)Nos.1871 of 2018

P.Tharani ... Petitioner

Vs.



1. The Superintendent of Police,
Theni District,
Theni.

2. The Commissioner of Police,
Madurai City,
Madurai.

3. The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.
(Crime No.15/2007)

4. The Inspector of Police,
All Women Police Station,
Madurai South Police Station,
Madurai City, Madurai.

... Respondents/complainants

5. S. Alexander

6. M. Solomon John Bosco

7. S. Chandra Praba

8. M. Singam @ Singaraj

... Respondents/accused

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, set aside the third respondent proceedings to transfer the investigation of the FIR in Crime No.15/2017 to fourth respondent police and direct the third respondent police to investigate further and to file charge sheet within the stipulated specified by this Court.

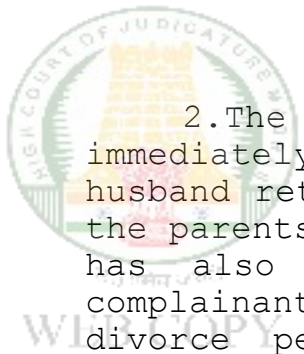
For Petitioner : Mr. Sivakumar

For R1 to R4 : Mr. K. Suyambulinga Bharathi
Government Advocate (Crl. Side)

For R5 to R7 : Mr. T. K. Gopalan

C O M M O N O R D E R

The Criminal Original Petition in Crl.O.P.(MD)No.1363 of 2018 has been filed to quash the FIR in Crime No.15 / 2017 on the file of the first respondent police for the punishable under Sections 498 (A), 294 (b), 406, 506 (i) of IPC and 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.



2.The learned counsel for the petitioner submitted that immediately after registering a complaint, the first accused / husband returned all the jewels and also the house-hold articles to the parents of the defacto complainant / wife. Therefore, compromise has also been made between the petitioners and the defacto complainant. The wife / defacto complainant herein also filed a divorce petition in H.M.O.P.No.166 / 2018 before the learned Sub-Court, Theni and she obtained a decree on 11.03.2019. Thereafter, now she is residing at Chennai and she is not pressing the complaint registered in Crime No.15 of 2017 on the file of the first respondent police.

3. The learned counsel for the second respondent submitted that the first accused / husband already handed over the jewels to the parents of the defacto complainant.

4. The learned Government Advocate (Crl.Side) would submit that the settlement has been arrived between the petitioners and the second respondent / wife. But, the FIR is still pending and the respondent police did not file any final report in the said complaint.

5. Considering the above facts and circumstances, in view of the settlement arrived between the petitioners and the second respondent by returning the jewels and other house-hold articles and also the decree of divorce obtained by the second respondent dated 11.03.2019, the pendency of FIR in Crime No.15 / 2017 would not serve any purpose.

6. Considering the above facts and circumstances, FIR in Cr.No.15 / 2017 on the file of the first respondent police is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

7. In view of the order passed in Crl.O.P.(MD)No.1363 of 2018, Criminal Original Petition in Crl.O.P.(MD)No.1871 of 2018 is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

dss



To

1.The Inspector of Police,
All Women Police Station,
Aundipatty,
Theni District.

2.The Superintendent of Police,
Theni District,
Theni.

3.The Commissioner of Police,
Madurai City,
Madurai.

4.The Inspector of Police,
All Women Police Station,
Madurai South Police Station,
Madurai City, Madurai.

5. The Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.T.K.GOPALAN, Advocate SR-88299.

Crl.O.P. (MD) Nos.1363 & 1871 of 2018

and

Crl.M.P. (MD) Nos.588 & 1058 of 2018

20/09/2019

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