

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.3202 of 2020

1.Augustine Pappaiya

2.Fathima Mary @ Kala ... Petitioners/Accused 1 & 2

Vs.

1.State Rep by
The Inspector of Police
W-30, All Women Police Station
Poonamallee.
(Crime No.30/2019)

...1st Respondent/Complainant

2.Elizabeth Rani ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.30 of 2019 pending for investigation on the file of the 1st respondent police and quash the same.

For Petitioners: Ms.M.Kavitha

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor for R1
Mr.Sathishrajan for R2

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.30 of 2019 pending for investigation on the file of the 1st respondent police and quash the same.

2.The case 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.The settlement agreement has been filed before this Court which has been signed by the petitioners and the second respondent and also by their respective counsel. All the parties are present and identified by their respective counsel. Relevant portion of the settlement agreement is extracted hereunder:-

"The following settlement has been arrived
at between the parties hereto

a.That the parties of the first part shall

pay sum of Rs.4,50,000/- (Rupees Four lakhs fifty thousand only) to the party of the 2nd part as lumpsum maintenance and one time settlement.

b.That out of the said sum of Rs.4,50,000/- (Rupees Fourt lakhs fifty thousand only) a sum of Rs.3,00,000/- (Rupees Three lakhs only) shall be paid on the date of filing the application before the family court at Chennai to dissolve the marriage held between the B.Augustine pappaiya and Elizabeth Rani on 28.06.2017 by a decree of divorce by mutual consent.

c.That the balance agreed amount of Rs.1,50,000/- (Rupees One lakh and fifty thousand only) shall be paid at the date of recording evidence in the Family Court.

d.That the party of second part herein have given her consent to cooperate to quash the FIR in Crime No.30/2019 pending on the file of AWPS, Poonamallee.

e.That the parties of the 2nd part shall not claim any further maintenance for the past, present and future.

f.That the parties have taken return of their respective articles.

g.That the parties shall have no objection and given their full consent to dissolve their marriage by mutual consent.

h.That the parties herein shall not have any further claim against each other whatsoever."

4. 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.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.30 of 2019, on the file of the Inspector of Police, W-30, All Women Police Station, Poonamallee, is quashed and the terms of settlement agreement shall form part and parcel of this Order. Each of the petitioners shall pay a sum of Rs.10,000/-, as costs, to the Chief Justice Relief Fund, High Court of Madras, 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.

*Copy of the Settlement Agreement enclosed

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

Jer

To

1. The Family Court, Chennai.

2.The Inspector of Police
W-30, All Women Police Station
Poonamallee.

3.The Public Prosecutor
High Court of Madras.

Copy To
The Section Officer,
Account Section,
High Court, Madras.
(Chief Judicial Relief Fund)

NR(CO)
GMY(28/10/2020)

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सत्यमेव जयते

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