

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.5449 of 2020

Boovaragamoorthy

.. Petitioner

/versus/

1.State rep.by
Inspector of Police,
All Women Police Station,
Neyveli,
Cuddalore District.
(Crime No.2 of 2020)

2.Rani

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in Crime No.2 of 2020 pending on the file of the All Women Police Station, Neyveli, Cuddalore District and quash the proceedings against the petitioner.

For Petitioner : Mr.R.Ramamoorthy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to call for the entire records in Crime No.2 of 2020 pending on the file of the All Women Police Station, Neyveli, Cuddalore District and quash the proceedings against the petitioner.

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. A consent affidavit has been filed by the 2nd respondent/complainant, who is the wife of the petitioner/husband stating that the petitioner gave Rs.5,00,000/- and 5 sovereign gold to the 2nd respondent for her future and final settlement on 27.02.2020. Further, she stated that a compromise has been arrived at between the

petitioner and her and hence, she decided to withdraw the case pending before the 1st respondent police. Since the petitioner decided not to precipitate the issue and arrived at an amicable compromise of the issue on hand, nothing survives in this case. Further, the 2nd respondent did not have any objection to quash the proceeding of FIR in Crime No.2 of 2020 pending against the petitioner. 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 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 Gujrat), this Court in exercising of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.2 of 2020.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.2 of 2020, on the file of the Inspector of Police, All Women Police Station, Neyveli, Cuddalore District, is quashed. The consent affidavit filed by the 2nd respondent shall form part and parcel of the order. The petitioner paid a sum of Rs.10,000/- as costs to the High Court Legal Services Committee, High Court Campus, Chennai on 10.03.2020 and enclosed a receipt of the deposit.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

(Enter into Compromise affidavit filed by the 2nd respondent part and parcel of the order).

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To

1. Inspector of Police,
All Women Police Station,
Neyveli,
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.
3. The High Court Legal Service Committee,
High Court, Madras.

+2cc to M/s.R.Ramamoorthy, Advocate SR.21316

CrI.O.P.No.5449 of 2020

CP (CO)
CB (16/03/2020)



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