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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.5948 OF 2021

1. Balajiee Thiirumal
2. B.Bala Bhuvaneshwari ...Petitioners

Versus

1. State of Tamil Nadu,
Inspector of Police,
W-30, All Women Police Station,
Poonthamallee, Chennai.
Crime No.2 of 2021
2. V.Dhiyanapriya ...Respondents

Prayer:

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to F.I.R. in Crime No.2 of 2021 on the file of the first respondent police and quash the same against the petitioners.

For Petitioners : Mr.M.Sriram

For 1st Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

For 2nd Respondent : Mr.R.Thamaraiselvan

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.2 of 2021 on the file of the first respondent police and quash the FIR against the petitioners.

2. The case of the prosecution is that, both the 1st Petitioner and the 2nd Respondent married on 14.12.2018 as per the Hindu rites and customs and the marriage was an arranged marriage. On 15.02.2019, both left to Uk and there, the 1st



Petitioner used to scold and beat the 2nd Respondent for not doing her work properly, at the same time, he had demanded the dowry. On 22.01.2020, again the 1st Petitioner started to scold and beat the 2nd Respondent and immediately the 2nd Respondent had informed her parents and her father immediately gave a complaint to Indian Embassy and the 2nd Respondent's uncle came to her home and protected her from the 1st Petitioner. Hence, the de-facto complainant filed a complaint against the petitioners on 13.02.2021 and FIR was registered in Crime No.2 of 2021 for the offences under Sections 498A, 406, 506(1) of IPC and Section 4 of Dowry Prohibition Act.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in the Charge Sheet. The petitioners and the de-facto complainant are husband and wife and the marriage between them has miserably failed. The FIR was lodged against the petitioners only in a fit of anger and misunderstanding. Now, after the intervention of respectable known persons, both the parties have come to a compromise. Hence, the petitioners have filed this petition to quash the FIR in Crime No.2 of 2021.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. The Joint Memo of Comprmise dated 23.10.2021 has been filed by the 1st Petitioner and 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioners present through Video conferencing. In the Joint Memo of Compromise, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.2 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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., inclined to quash the First Information Report in Crime No.5 of 2020.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.2 of 2021, on the file of the 1st respondent police, is quashed and the terms of Joint Memo of compromise shall form part and parcel



of this order. Consequently, connected CrI.M.P.No.3839 of 2021 is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vm/ars

To

1. Inspector of Police,
W-30, All Women Police Station,
Poonthamallee, Chennai.
2. The Public Prosecutor
High Court, Madras.

+2ccs to Mr.M.Sriram, Advocate, S.R.No.61137,30768

CrI.O.P.No.5948 of 2021

RGN(CO)
PM/02/12/2021