



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6535 of 2021

&

Crl.M.P.No.4340 of 2021

Pramodh Ishwarakrishnan

...Petitioner

Versus

1.State,

AWPS - Adyar Police Station,
Adyar, Chennai.
Crime No.4/2017

2.Ruplekha Choudhurie

...Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records and quash the charge sheet in CC.No.1576 of 2020 pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai in Crime No.4 of 2017 on the file of the All Women Police Station, Adyar, Chennai.

For Petitioner : Ms.S.P.Arthi

For Respondents : Mr.E.Raj Thilak for R1
Additional Public Prosecutor
Ms.Geetha Ramaseshan for R2

O R D E R

The Criminal Original Petition has been filed to call for the records and quash the charge sheet in CC.No.1576 of 2020 pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai in Crime No.4 of 2017 on the file of the All Women Police Station, Adyar, Chennai.



2. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The case of the prosecution is that the defacto complainant was married to one Pramodh Ishwarakrishnan. The petitioner had abused to the defacto complainant and unable to bear the torture due to his extremely abusive behavior and she had left Mumbai in April 2014 and thereafter she was living with him and her one year old baby. Since she has been living at defacto complainant's parents home in Adyar. Hence, the de-facto complainant filed a complaint against the petitioner and others and FIR was registered in Crime No.4 of 2017 for the offences under Sections 506(i) of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. On 05.06.2017, the Inspector of Police, Adyar, has filed charge sheet before the IX Metropolitan Magistrate, Saidapet, in C.C.No.1576 of 2020.

4. The learned counsel for the petitioner submitted that the petitioner is a law abiding person and he has not committed any offence as alleged in the Charge Sheet. The petitioner and the de-facto complainant are the husband and wife and there is no enmity between them. The FIR was lodged against the petitioner only in a fit of anger. Now, after the intervention of respectable known persons, both of them have come to a compromise. Hence, the petitioner has filed this petition to quash the charge sheet in C.C.No.1576 of 2020.

5. A Joint Memo of Compromise dated 22.12.2021 has been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. In the Joint Memo of compromise it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in CC.No.1576 of 2020. 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 case 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), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.1576 of 2020, pending on the file of the IX Metropolitan Magistrate, Saidapet, Chennai.



7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1576 of 2020, pending on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

* Herein enclosed the Xerox Copy of the Joint Memo of Compromise

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

dna

To

1.The IX Metropolitan Magistrate Court,
Saidapet, Chennai.

2.The AWPS - Adyar Police Station,
Adyar, Chennai.

3.The Public Prosecutor
High Court, Madras.

+lcc to Ms.S.P.Arthi, Advocate SR. No.69330

+lcc to Ms.Geetha Ramaseshan, Advocate SR. No.69510

Cr1.O.P.No.6535 of 2021

&

Cr1.M.P.No.4340 of 2021

EV (CO)

PR (12/01/2022)