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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14362 of 2021

Srinivasan

... Petitioner

Vs.

1. State Rep. by
The Inspector of Police,
S-12, Chitlappak Police Station,
Chennai.

2. S.Vijayalakshmi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the First Information Report in Crime No.762 of 2020 for alleged offence under Sections 341, 294(b), 324, 506(ii) IPC against the petitioner on the file of the respondent police S-12, Chitlapakkam Police.

For Petitioner : Mr.S.K.Masthan

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed to call for the records and to quash the First Information Report in Crime No.762 of 2020 for alleged offence under Sections 341, 294(b), 324, 506(ii) IPC against the petitioner on the file of the respondent police S-12, Chitlapakkam Police.

2.The case is still at 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 gist of the case is that the petitioner and the second respondent studied at Melmaruvathur Aadiparasakthi College for MBA Course at 2001 to 2003 in their college life both of them fell in love after that with the permission of both the family members they got married at 2006 in Balaji Thirumana Mandapam. Actually the petitioner native place is at Andhrapradesh



Hyderabad and after marriage he was secured job at Bank of America at Hyderabad, till 2017 he worked there and thereafter he got the job in Standard Chartered Bank at Nungambakkam. The petitioner and the second respondent were entirely shifted to the above said address.

4.The petitioner is having habitual interest to attend the ESA YOGA center for meditation and the petitioner totally drawn into spiritual life, due to that he was loosed the concentration for the reason that he lost his job. Under the above said circumstances, the petitioner was totally depressed and unable to mobilize the money and to maintain his family expenditure. Hence every often needed money for travel expenditure to went for different temples. On 18.07.2020 on the day of Pradosham due to that he wants to go sivan temple for which he demanded the money from the second respondent but the second respondent unable to give the money and he made several petty quarrel and demanded money as well as the car keys but the second respondent refused to give the same. Due to that circumstances, the petitioner became very angry and abused the second respondent in filthy language and attempted to assault the second respondent with the help of knife and she tried to defend herself due to that the deep cut injuries at head and hand occurred.

5.On hearing the louder voice of the second respondent her daughter viz., Nethra rushed to the scene of occurrence and tried to stop the assault on the second respondent and the petitioner made threats against his daughter with knife and due to that she caused injuries at her face. Neighbours took the second respondent and her daughter by way of ambulance to the Government Hospital Tambaram and admitted as inpatient and record A.R. and the same was intimated to the respondent police. Based on that the respondent police made enquiry and arrested the petitioner on the same day and put him in judicial custody for the alleged offence under Sections 341, 394(b), 324, 506(ii) IPC in Crime No.762 of 2020 and the same was pending before the Judicial Magistrate at Tambaram.

6.At the time of judicial custody the jail Superintendent diagnosed that the petitioner was totally in mental depression and he was admitted at Kilpauk Mental Hospital for further treatment. Further the petitioner moved a bail application in CrI.M.P.No.1329 of 2020 before the Judicial Magistrate Court at Tambaram in which the petitioner's mother has filed an undertaking affidavit and the learned Magistrate made observation stating that the petitioner totally suffered mental depression and on the above said ground released the petitioner on bail with conditional order.

7.In the mean time, after releasing of the petitioner he



underwent treatment and thereafter the petitioner got totally cured and the above said message was received by the second respondent through friends and relatives. The petitioner now realized the reasons and come forward for reunion with the second respondent for the welfare of the children.

8.To that effect, the second respondent has filed an affidavit before this Court on 26.03.2021. The petitioner and the second respondent were present through Video conferencing. In the said affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.762 of 2020 on the file of the first respondent police. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves for the welfare of their children.

9.The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

10.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), 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.762 of 2020, on the file of the first respondent police.

11.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

12.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.762 of 2020, on the file of the first respondent police, is quashed on the terms of the affidavit, which shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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Enclose have with xerox copy of affidavit



To

1. The Inspector of Police,
S-12, Chitlappak Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.S.K.Masthan, Advocate, S.R.No.43809

Cr1.O.P.No.14362 of 2021

SPD (CO)
CT(28/09/2021)