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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10950 of 2021

Deepalakshmi

... Petitioner

Vs.

1. The Inspector of Police,
All Women Police Station,
Mamallapuram,
Kancheepuram District.

2. Muralidhara

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.13/2017, pending on the file of the 1st respondent.

For Petitioner : Mr.B.Jawahar

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

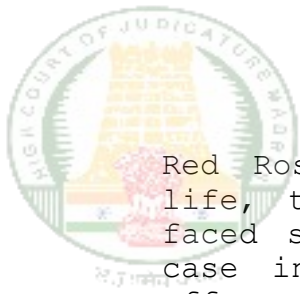
For R2 : Mr.R.Prabakar

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O R D E R

The Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.13/2017, pending on the file of the 1st respondent.

2.The contention of the petitioner is that the petitioner and the second respondent got married on 06.03.2016 at Seethalaya Thirumanamandapam, Kothampatti Village, Atthur Taluk. After the marriage they resided at Flat No.A204, Red Rose Block,



Red Rose Apartment, Padur, Chennai. During the matrimonial life, they had some difference of opinion and the petitioner faced some problem. Thereafter she lodged a complaint and a case in Crime No.13 of 2017 came to be registered for the offence under Sections 498 (A), 294(b), 506(i) IPC r/w Section 4 of Dowry Prohibition Act, 1961.

3.Further the petitioner had also filed a petition for Restitution of Conjugal Rights before the Sub Court, Tiruvannamalai in H.M.O.P.No.184 of 2017. Further she had filed a maintenance case in M.C.No.6 of 2017 and a Domestic Violence case in D.V.C.No.2 of 2018 before the Judicial Magistrate Court No.I, Tiruvannamalai.

4.The second respondent is the estranged husband in O.S.No.80 of 2017 before the III Additional District Court, Salem seeking some compensation. He had also filed a H.M.O.P.No.160 of 2018 before the Sub Court, Tiruvannamalai seeking Divorce. When the above proceedings were pending, the issue between the petitioner and the second respondent mediated by the family elders and the well wishers, as a result of which a compromise arrived between the petitioner and the second respondent for a amicable settlement.

5.The second respondent agreed to pay a sum of Rs.10,00,000/-, to the petitioner as a permanent alimony which was accepted by the petitioner. Both agreed to withdrawn the case between them and also agreed for divorce on mutual consent. The stridhana articles were exchanged and returned to the respective parties. The second respondent paid a sum of Rs.5,00,000/-. The second respondent had paid the first installment by way of three demand drafts vide D.D.Nos.483022 for Rs.2,00,000/-; 483023 for Rs.2,00,000/- and 483002 for Rs.1,00,000/- drawn on State Bank of India, Athur Branch, Salem District during the year 2019 and thereafter the mutual consent divorce petition was allowed. Both the petitioner and the second respondent got separated. The balance Rs.5,00,000/- was kept pending citing the above Crime No.13 of 2017.

6.On 18.07.2019, a Memorandum of Understanding had entered between the petitioner and the second respondent, in which the cases pending between them and the stages have been listed. H.M.O.P.No.184 of 2017 had been withdrawn. The petitioner admits to withdraw the M.C.No.6 of 2017 and D.V.C.No.2 of 2018 which have been pending before the Judicial Magistrate No.I, Tiruvannamalai. The second respondent agrees to withdraw the



O.S.No.80 of 2017. In view of the above, divorce was granted in H.M.O.P.No.160 of 2018.

7.In the meanwhile, Crime No.13 of 2017 had culminated into C.C.No.34 of 2021, which is pending before the Additional Mahila Court, Magistrate Level, Chengelpet. Both the petitioner and the second respondent present through Video conferencing and admitted the compromise entered between them and also about the quietest given to all the proceedings between each other.

8.According to them, the only case pending is Crime No.13 of 2017, which was culminated into C.C.No.34 of 2021. It is also admitted that the balance amount of Rs.5,00,000/- had been paid by the second respondent through Demand Drafts vide D.D.Nos.484623 and 484624 each for Rs.2,00,000/- and 484625 for a sum of Rs.1,00,000/- totally for Rs.5,00,000/- dated 12.07.2021 drawn on State Bank of India, Athur Branch, Salem District. The receipt of the above said Demand Drafts is confirmed by the petitioner.

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

10.In view of the same, there is no issue between the petitioner and the second respondent and this Court is inclined to quash the proceedings in Crime No.13 of 2017 on the file of the first respondent, and consequently C.C.No.34 of 2021, which is pending before the Additional Mahila Court, Magistrate Level, Chengelpet.

11.Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.13 of 2017 on the file of the first respondent, and consequently C.C.No.34 of 2021, which is pending before the Additional Mahila Court, Magistrate Level, Chengelpet both are quashed, on the terms of compromise affidavit, which shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

1. The Additional Mahila Court,
Magistrate Level,
Chengalpet.

2. The The Inspector of Police,
All Women Police Station,
Mamallapuram,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10950 of 2021

PCH (CO)
K.RK. (24.08.2021)