



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.11292 of 2021

1. Felixraj
2. Arokiyasamy
3. Vanathammal

... Petitioners/Accused 1 to 3

Vs.

1. The State rep.by the Inspector of Police,
All Women Police Station, Ennore,
Chennai. (Crime No.05 of 2016)

2. J.Sujatha @ Maria Linet Sujatha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the entire records in connection with C.C.No.65 of 2017 on the file of the Judicial Magistrate, Thiruvottiyur, Chennai and quash the same.

For petitioners : Mr.M.Vijayaragavan

For first Respondent : Mr.A.Damodaran,
Gov. Advocate (Cr1. Side)

ORDER

This petition has been filed to call for the entire records in connection with C.C.No.65 of 2017 on the file of the Judicial Magistrate, Thiruvottiyur, Chennai and quash the same.

2. The case of the prosecution is that the defacto complainant/second respondent herein was given marriage to the first petitioner herein on 23.05.2012 as per Christian rites and they had been living together at No.27, Vijayalakshmi Nagar, Selavoyal, Chennai-51. After marriage, the defacto-complainant came to know that the first petitioner is a drunkard and he is having all the bad habits. The further case of the prosecution is that the first petitioner harassed the de-facto complainant in a drunken mood and also abused her with filthy language. He also came to the house at night times along with his friends and consumed liquor and also assaulted her to make drunk and



threatened to do act, as per the wishes of his friends also. Further, on 31.05.2015, the first petitioner along with other petitioners had given food mixed with poison to the defacto complainant and she was admitted in a serious condition in ICU at Appollo Hospital and thereafter, she recovered. On 13.08.2015, the first petitioner had pushed her child in an inebriated mood, thereby he sustained grievous head injury and he was treated at KVT Hospital, Ethiraj Salai, Erukkancheri. Further, the petitioners also threatened the de-facto complainant that they will kill her and her child. Therefore, the 2nd respondent/de-facto complainant lodged a complaint before the 1st respondent, which was registered in Crime No.5 of 2016, for the offence under Section 498(A) and 506(i) IPC.

3. In the above said case, after completion of investigation, charge sheet was filed by the respondent police under Section 498(A), 406, 506(i) IPC and the case was numbered as C.C.No.65 of 2017 on the file of the Judicial Magistrate, Thiruvottiyur. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent Police on instructions submitted that the petitioners have not come on any adverse notice after registration of the case and now, the 2nd respondent has come forward to compound the offence.

5. The affidavit of the 2nd respondent has been filed before this Court. The petitioner and the 2nd respondent were present through Video conferencing. In the affidavit it has been stated that the 2nd respondent voluntarily entered into a compromise and the issues are settled amicably between us without any coercion and compulsion. It has also been stated that the first petitioner and the second respondent had filed a petition in I.D.O.P.No.590 of 2021 before the IV Additional Family Court, Chennai claiming divorce by mutual consent and the court had also passed a decree by dissolving the marriage vide order dated 02.03.2021. This Court also enquired both the parties and is 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 C.C.No.65 of 2017 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 Gujraht)," 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.677 of 2019, on the file of the 1st respondent Police.

7. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.65 of 2017, on the file of the Judicial Magistrate, Thiruvottiyur, Chennai is quashed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Inspector of Police,
All Women Police Station, Ennore,
Chennai
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate,
Thiruvottiyur,
Chennai.

+2CCs to Mr.M.Vijayaragavan, Advocate, Sr.No.31793

Cr1.O.P.No.11292 of 2021

AJB (CO)
K.RK. (02.08.2021)