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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.13406 OF 2020

AND

CRL.M.P.NOS. 5203 AND 5204 OF 2020

1.T.Alagarsamy

2.A.Ulagammal

...Petitioners

Versus

1.The State, Rep. by its
Inspector of Police,
All Women Police Station,
Tambaram.

2.S.Abinaya

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the record in Crime No.4 of 2020 pending enquiry on the file of the 1st respondent police and quash the same.

For Petitioners : M/s.J.Kingsly Solomon

For Respondent No.1 : Mr.A.Damodharan
Additional Public Prosecutor

For Respondent No.2 : Mrs.Vedavalli Kumar

ORDER

This petition has been filed to call for the record in Crime No.4 of 2020 pending enquiry on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that on 06.02.2017 the marriage between the petitioners' son viz., A.Jeganath and the second respondent were solemnized as per the Hindu Marriage Act, 1955, which was registered on 03.03.2017. All the marriage expenses were borne by the petitioners' family and they had not



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demanded any amount as Sreedhana. As both of them were working in an IT Company at Chennai, they were living together at Chennai. On 20.03.2018, the petitioners' son Jeganath and the 2nd respondent defacto complainant went to Tuticorin to visit the parents of the second respondent, there was some matrimonial dispute, she did not return back to the matrimonial home and further the 2nd respondent's father abused the petitioners' son with filthy language and derogatory remarks. In this regard, on 27.04.2018, the petitioners' son filed a petition in O.P.No. 346 of 2018 U/s 13(1)(i-a) of the Hindu Marriage Act to dissolve the marriage on the ground of cruelty before the Hon'ble Sub Court, Tambaram, got offended, the 2nd respondent lodged a complaint before the Tambaram All Women Police Station on 23.06.2018 and on receipt of the complaint, Cr.No.4 of 2020 registered, under sections 417, 420 and 406 IPC. Further, she filed a petition in D.V.C.No.37 of 2018 before the Judicial Magistrate No.I, Tambaram and also H.M.O.P.No.592 of 2019 before the Sub-Court, Tambaram.

3. 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.

4. An Affidavit dated 21.12.2020 and 09.08.2020 are filed by the 2nd respondent/de-facto complainant and her husband respectively before this Court. The 2nd respondent and petitioners' son are present through Video conferencing. In the affidavits, it is stated that the petitioners' son and the second respondent have entered into a compromise and amicably settled their issues in Crime No.4 of 2020 and also with regard to the matrimonial cases in H.M.O.P.Nos.346 of 2018, 592 of 2019 and D.V.C.No.37 of 2018. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves.

5. 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 Crime No. 4 of 2020., pending on the file of the first respondent.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.4 of 2020., pending on the file of the first respondent, is quashed and the terms of



affidavit shall form part and parcel of this order.
Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

drm/sms

To

1. Inspector of Police,
All Women Police Station,
Tambaram.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Kingsly Solomon, Advocate SR.No.52825

+1cc to Mrs.Vedavalli Kumar, Advocate SR.No.52584

CRL.O.P.No.13406 of 2020

SSD(CO)
RVM(02/11/2021)