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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12138 of 2021

1.K.Sivaramakrishnan
2.R.Kannan
3.Tamilselvi

...Petitioners/Accused 1,2,3

Vs.

1. State Rep. by
The Inspector of Police,
All Women Police Station,
Thiruvallur,
(In Crime No.6/2020)

2. S.A.Ausha ...Respondents/Complainant/Defendant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.6 of 2020 now pending on the file of the Inspector of Police, All Women Police Station, Thiruvallur and quash the same.

For Petitioner : Mr.N.Kalidoss

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

For R2 : Ms.Kanimozhi Sundar

O R D E R

The Criminal Original Petition filed to call for the records in Crime No.6 of 2020 now pending on the file of the Inspector of Police, All Women Police Station, Thiruvallur and quash the same.

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.This gist of the case is that on 24.11.2017, the first petitioner got married to the defacto complainant at Thirumalai Thirupathi Purohit Sangam Temple, Andhra as per Hindu Rites and Customs. Out of the wedlock a male child viz., S.Dhuruvan Harsha was born on 09.02.2019. There were some misunderstanding between the first petitioner and the defacto complainant/second respondent. Hence the defacto complainant had lodged a complaint on 27.09.2020 before the first respondent against the petitioners and FIR came to be registered on 02.10.2020 in Crime No.6 of 2020 for the offences under Sections 498 (A), 323, 506 (i) and Section 4 of Tamil Nadu Women Harassment Act and the first petitioner was arrested on 02.10.2020 and he was enlarged on bail by the learned Judicial Magistrate No.II, Thiruvallur on 07.10.2020 and the second and third petitioners obtained an anticipatory bail by an order dated 16.10.2020 passed by the Principal District Judge, Thiruvallur.

4.In the mean time, the first petitioner and the defacto complainant/second respondent started chatting through messages and they had discussed their issues elaborately with an open heart and they reconciled their issues amicably. Both of them agreed for a reunion for the welfare of the child and they are now living together with their child. Hence the defacto complainant/second respondent has agreed to quash the complaint lodged by her in Crime No.6 of 2020 on the file of the first respondent against the petitioners.

5.To that effect, the defacto complainant/second respondent has filed an affidavit before this Court on 14.07.2021. The petitioner and the defacto complainant/second respondent were also present through Video conferencing. In the said affidavit it has been stated that the petitioners and the defacto complainant/second respondent have entered into a compromise and amicably settled their issues in Crime No.6 of 2020 and both of them i.e. the first petitioner and the defacto complainant/second respondent have agreed for a reunion to save the matrimonial life for the welfare of the child. Hence, she has no objection for quashing the FIR against the petitioners. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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

7.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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.6 of 2020, on the file of the 1st respondent Police.

8.It is seen from the records that the disputes between the petitioners and the defacto complainant/second respondent had been resolved amicably between the parties. In view of the above facts, this Court is inclined to allow this Criminal Original Petition.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.6 of 2020, on the file of the first respondent is quashed as against the petitioners on the terms of affidavit filed by the defacto complainant/second respondent, which shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
All Women Police Station,
Thiruvallur,
2. The Public Prosecutor,
High Court, Madras.

+3cc to Mr.N.Kalidass, Advocate, S.R.No.35763

Cr1.O.P.No.12138 of 2021

PCH(CO)
RGA(18/08/2021)