



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.12431 OF 2021

1.Prabakaran
2.Deepa
3.Rooba

...Petitioners

Versus

1. State rep.by
The Inspector of Police
All Women Police Station
Thiruthuraipoondi
Tiruvarur District.
Crime No.5 of 2021

2. Nirosha

...Respondents

Prayer:

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the impugned FIR in Crime No.5 of 2021 on the file of the first respondent and quash the same.

For Petitioners : Mr.M.Vijaya Ragavan

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)

O R D E R

The Criminal Original Petition has been filed to call for the records in connection with the impugned FIR in Crime No.5 of 2021 on the file of the first respondent and quash the same.



2. The case of the prosecution is that the first petitioner and the second respondent/de-facto complainant while working as teachers in a Private School had developed love affair. The first petitioner on the promise of marriage had physical relation with her on many occasions. On 12.01.2021, when the second respondent/de-facto complainant pressed for marriage, the first petitioner refused to marry her and threatened her along with his sisters/petitioners 2 and 3 herein. Hence, the second respondent made a complaint before the respondent Police and an FIR in Crime No.5 of 2021 came to registered against the petitioners for the offence under Sections 294(b), 376, 417 and 506(ii) IPC.

3. The learned counsel for the petitioner submitted that subsequent to the registration of FIR, the first petitioner married the second respondent/de-facto complainant on 18.04.2021. Now they are living as husband and wife and running their matrimonial life happily and peacefully. If the criminal proceedings is continued, it will affect all of them including the second respondent. Hence, the second respondent/de-facto complainant is willing to withdraw the case. Hence, the petitioners have filed this petition to quash the FIR in Crime No.5 of 2021.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. An Affidavit dated 23.06.2021 has been filed by the second respondent before this Court. The second respondent and petitioners appeared before this Court. In the Affidavit, it has been stated that since the first petitioner married the second respondent, they have entered into a compromise and amicably settled their issues in Crime No.5 of 2021. This Court also enquired both the parties and 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 First Information Report pending. Even though, the offence involved is 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.5 of 2021.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.5 of 2021, on the file of the 1st respondent police, is quashed and the terms of Affidavit shall form part and parcel of this order.

* Xerox copy of Affidavit of Nirosha 2nd Respondent is enclosed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

dna Sub Assistant Registrar

To

1. The Inspector of Police
All Women Police Station
Thiruthuraipoondi
Tiruvarur District.
Crime No.5 of 2021.

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Vijaya Ragavan, Advocate, S.R.No.60449

Cr1.O.P.No.12431 of 2021

PMK(CO)
PM/09/12/2021