



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.12145 OF 2021

1. Deepak S.Ramanathan
2. Kalpana Sundaresan
3. Jyothsna sundaresan
4. Sundaresan Ramanathan

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
W-4, All Women Police Station,
G-3, Kilpauk, Chennai.
(crime No.1/2021)
2. Sharanya Sambantham

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the first Information Report in Crime No.1 of 2021 dated 05.01.2021 pending on the file of the first respondent/complainant and quash the same against all the petitioners/accused.

For Petitioner : Mr.P.R.Krishnaraj

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

: Mr.S.D.Venkateswaran
for R2



ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.1 of 2021 pending on the file of the first respondent police.

2. The first petitioner/A1 and the 2nd respondent/defacto complainant are husband and wife. The case of the prosecution is that the marriage between A1 and the defacto complainant took place in the year 2016. After marriage, since all the accused harassed the defacto complainant by demanding dowry and assaulted her, she lodged a complaint against the petitioners/accused. On receipt of the same, a case in Crime No.1 of 2021 was registered on the same day for the offences under Sections 406, 498(A) of IPC.

3. The case is still at the stage of investigation. By passage of time, the petitioners and the defacto complainant have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The learned counsel appearing for the 2nd respondent/defacto complainant submitted that all the issues between the petitioners/accused and the defacto complainant were sorted out and he has also filed an affidavit, dated 29.07.2021 to that effect, before this Court.

5. The petitioners and the 2nd respondent present before this Court in person.

6. In the Affidavit filed by the 2nd respondent, it has been stated as follows :-

"4. I state that the first petitioner/first accused had agreed to pay a sum of Rs.30,00,000/- as permanent alimony to me and out of which, he had paid a total sum of Rs.25,00,000/- so far and agreed to pay the balance of Rs.5,00,000/- while recording oral evidence before the Hon'ble VI Additional Principal Family Court, Chennai at the time of disposal of O.P.No.2754 of 2021.

5. I state that in terms of compromise reached, I had agreed to withdraw the complaint filed culminating in registering of Cr.No.1/2021 and pending on the file of the 1st respondent/complainant. Therefore, I am agreeable for this Hon'ble Court passing the necessary orders for quashing Cr.No.1/2021 pending on the file of the 1st respondent/complainant."



7. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

8. 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 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 First Information Report in Crime No.1 of 2021 on the file of the first respondent police.

9. This Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.1 of 2021 on the file of the first respondent/Inspector of Police, W-4, All Women Police Station, G-3 Kilpauk, Chennai, is quashed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
W-4, All Women Police Station,
G-3 Kilpauk, Chenna,
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.D.Venkateswaran, Advocate, S.R.No.65521

+1cc to Mr.P.R.Krishnaraj, Advocate, S.R.No.65657

CRL.O.P.No.12145 of 2021

KV(CO)
RLP(22/12/2021)