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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13127 of 2021  
and Crl.M.P.No.7215 of 2021

1.Rajendran  
2.Appu @ Appu Gounder  
3.Jayammal  
4.S.Mayili

... Petitioners

Vs.

1.State represented by  
The Inspector of Police,  
Magudanchavadi Police Station,  
(Crime No.61 of 2018)  
Salem District.

2.R.Ganesan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in Crime No.61 of 2018 from the file of the 1<sup>st</sup> respondent, quash the same.

For Petitioner : Mr.D.Shivakumaran  
For R1 : Mr.A.Damodaran  
Additional Public Prosecutor  
For R2 : Mr.R.Marudhachalamurthy

O R D E R

This Criminal Original Petition is filed to call for the entire records in Crime No.61 of 2018 from the file of the 1<sup>st</sup> respondent, 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.

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3.The gist of the case is that on 06.03.2016, the defacto complainant's daughter viz., Bharathi got married to the first petitioner. During the time of marriage 41 sovereigns of gold, household utensils and Rs.1,00,000/- in cash were given as Stridhana to the first petitioner. The first petitioner along with his parents i.e. the second and third petitioners and the maternal aunt of the first petitioner i.e. the fourth petitioner had harassed the defacto complainant's daughter, Bharathi demanding more dowry and also compelled her to sign a deed of divorce and that when she refused, they had abused her with filthy language and also physically assaulted her. Hence, the defacto complainant had lodged a complaint with the first respondent police and a case in Crime No.61 of 2018, came to be registered for the offence under Sections 498(A), 294(b), 323 and Section 4 of the Prohibition of Harassment of Women Act, 2002.

4.Based upon the further allegations, the FIR was altered as one under Sections 307 and 506(I) IPC also. The petitioner Nos.1 to 3 filed an Application for Anticipatory Bail in CMP.No.696 of 2008 before the Principal Sessions Court, Salem, Interim Anticipatory Bail was granted on 02.03.2018 and the matter was referred to the Mediation Centre, Salem. The application was dismissed as there was no representation. The subsequent applications filed for anticipatory bail before the Sessions Court, Salem were also dismissed.

5.In the mean time, the well wishers have advised the first petitioner and the daughter of the defacto complainant to see the practical solution instead of waging war at force of law against each other. Hence the petitioners agreed to the demands of the defacto complainant and his daughter and they have agreed to receive a lump sum of Rs.35 lakhs as a one time permanent alimony and also agreed that the marriage between the first petitioner and the defacto complainant's daughter may be dissolved in an appropriate manner before the appropriate Court of law. The defacto complainant/second respondent has also agreed that he would withdraw the police complaint given against the petitioners and prayed for quashing of the FIR.



6.To that effect, the defacto complainant/second respondent's daughter has filed an affidavit and also filed a Joint memo of compromise and prayed this Court to quash the FIR in Crime No.61 of 2018, pending on the file of the Magudanchavadi Police Station, Salem District, on the terms of compromise entered between the petitioners and the defacto complainant/second respondent's daughter. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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

8.Under such circumstances, no useful purpose will be served in keeping the FIR 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.61 of 2018, pending on the file of the first respondent

9.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.61 of 2018, pending on the file of the first respondent, is quashed on the terms of the affidavit and the joint memo of compromise filed by the defacto complainant/second respondent's daughter, which shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

\*Enclosed the Xerox copy of Joint Memo of Compromise

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

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1.The Inspector of Police,  
Magudanchavadi Police Station,  
(Crime No.61 of 2018)  
Salem District.

2.The Public Prosecutor,  
High Court, Madras.

+1CC to M/s.D.Shivakumaran, Advocate, SR.No. 52565

Cr1.O.P.No.13127 of 2021  
and Cr1.M.P.No.7215 of 2021

PPA(CO)  
B.VC (20/10/2021)