



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12816 of 2021

1. Chellapandi
2. Pandi
3. Muthupillai
4. Rajapandi
5. Jeyapandiyammal ... Petitioners
Versus

1.The State through the Inspector of Police,
All Women Police Station,
Perambalur District,
(Crime No.15 of 2021).

2. K.Priyadharshini ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Crime No.15 of 2021 on the file of the first respondent police and quash the same.

For Petitioners: Mr.J.Senthil Kumaraiah

For Respondents: Mr.A.Damodaran, (for R1)
Government Advocate (Crl.side)

: Mr.I.Abrar Mohamed Abdullah (for R2)

ORDER

The Criminal Original Petition has been filed to call for the records in Crime No.15 of 2018, dated 18.06.2021 pending investigation on the file of the first respondent 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 compromised the dispute amicably among themselves.

3.Heard both sides and perused the materials available on



record.

4.It is submitted by the learned counsel for the petitioners that the first petitioner is working as Technical Sub-Inspector in armed services. He further submitted that this matter is purely a matrimonial dispute. Further, he submitted that the de-facto complainant, after raising the dispute, on the very next day, come forward with a compromise, since her paternal grandmother is actively engaged in a political party, with her inducement only the de-facto complainant compelled to give the complaint. Thereafter, realizing the mistake, she has come for compromise on the next day and both of them are living happily. Now, the de-facto complainant has also given a letter dated 06.07.2021 before the respondent/police, for withdrawing her complaint dated 18.06.2021. Therefore, he prayed for quashing the case in Crime No.15 of 2021 pending on the file of the first respondent herein, so that it will not, in any manner affect his service.

5.The first petitioner and the de-facto complainant appeared together jointly in Video conferencing. Since the complaint was lodged on compulsion, on 06.07.2021, she had given a letter to the respondent/police for closing the complaint and the same was produced before this Court and it is taken on record. It is only a matrimonial dispute and the petitioner is working in uniformed service, where the pendency of the criminal case would be viewed seriously. So, it is made clear that this is not a criminal case warranting the department to take a serious view. It is purely matrimonial dispute and it is a private dispute, resolved by mutual compromise arrived between the parties, the case in Crime No.15 of 2021 is quashed, non-est in law and no other action or proceedings to be taken or issued, based on the Crime No.15 of 2021. Further, it is made clear that earlier registration of the case in Crime No.15 of 2021 will not affect the service of the first petitioner in any manner.

6.An affidavit dated 13.07.2021 is filed by the second respondent/de-facto complainant before this Court. The first petitioner and the second respondent/de-facto complainant are present through Video conferencing. In the above said affidavit, it is stated that the petitioners and the second respondent/de-facto complainant have entered into a compromise amicably and settled their issues in Crime No.15 of 2021. This Court enquired both parties and satisfied that the parties have come to an amicable settlement between themselves.

7.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, though, the offences alleged are 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 Gujarat), 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.15 of 2021, on the file of the 1st respondent/police.

8.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.15 of 2021, on the file of the first respondent police, is quashed and the terms of Affidavit shall form part and parcel of this order. [The petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only each) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry].

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Klt

To

1.The Inspector of Police,
All Women Police Station,
Perambalur District.

2.The Public Prosecutor,
High Court, Madras.

3. The Section Officer,
Account Section,
High Court, Madras.

+1cc to Mr.J.Senthil Kumaraiah, Advocate, S.R.No. 35909

CRL.O.P.No.12816 of 2021

SR II(CO)
GN(18/08/2021)