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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15489 of 2021

M.Krishnamoorthy

... Petitioner

Versus

1.The State Rep. by Inspector of Police,
All Women Police Station,
Thiruvallur District.

2.V.Vijayalakshmi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in pursuant to the FIR in Crime No.9 of 2019, dated 28.04.2019 pending on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.A.Anusuya

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.9 of 2019, dated 28.04.2021 on the file of the 1st respondent Police.

2.The case of the prosecution is that on 09.05.2016, the 2nd respondent got married with the petitioner. After the marriage, the petitioner did not treat the 2nd respondent as wife and he used to consume alcohol daily and beaten her. On 13.03.2017, the petitioner chased away the 2nd respondent from the matrimonial home and got married with the another lady. Thereafter, the petitioner and the 2nd respondent got mutual divorce in H.M.O.P.No.183 of 2021 on the file of the Family Court, Thiruvallur. On the complaint of the 2nd respondent, a case in Crime No.9 of 2019 was registered for offence under Sections 498(A), 294(b) and 494 of IPC.



3.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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4.Due to the mutual divorce granted in H.M.O.P.No.183 of 2021, the 2nd respondent gave a letter dated 09.09.2021 to withdraw the complaint given against the petitioner. The petitioners and the 2nd respondent are present through Video conferencing. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.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 Suprme 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.9 of 2021, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.9 of 2021, on the file of the 1st respondent police, is quashed against the petitioner.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.15489 of 2021

PL(CO)
CB(18/10/2021)