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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16678 of 2021

Dr.J.Vidhiyasagaran

... Petitioner

Vs.

1.The Inspector of Police,
W-13, AWPS - Washermanpet,
Chennai - 600 021,
Crime No.6/2017.

2.R.Prathippa

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to quash the First Information Report in Crime No.6/2017, pending on the file of the W-13, All Women Police Station (Washermenpet).

For Petitioner : Mr.V.Balamurugan

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

For R2 : Mr.S.Madhusudanan

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O R D E R

This Criminal Original Petition is filed to quash the First Information Report in Crime No.6/2017, pending on the file of the W-13, All Women Police Station (Washermenpet).

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.

3.The gist of the case is that the petitioner and the second respondent got married on 06.03.2016, at Rani Meyammai Hall, Egmore, Chennai. Till January, 2017, they lived together, thereafter, there were frequent quarrels between them and they were living separately since, then, and there was no



consummation since then. All their elders, friends, well wishers have taken their best efforts for re-union and all their efforts went in vain and their marriage is irretrievably broken down and therefore, there was no chance for re-union. During the misunderstanding in the year 2017, due to continuous quarrel between them, the second respondent had lodged a complaint before the All Women Police Station (Washermenpet) and a Crime No.6/2017 came to be registered on 15.07.2017, by the first respondent police for the offences under Sections 498A r/w. Section 3 and 4 of Dowry Prohibition Act. The second respondent had also filed a Domestic Violence Complaint before the XV Metropolitan Magistrate, George Town in DVC.No.18/18 and the same is pending at the stage of the arguments. The petitioner also filed a HMOP.No.2808 of 2019 before the VI Family Court, Chennai to dissolve the marriage between them, on the grounds of cruelty and desertion and the same is also pending and the second respondent had also filed her counter and the case is now posted for filing her proof affidavit.

4.In the mean time, it has been unanimously decided by both of them to put an end to all the litigation between them and to part themselves by filing a divorce petition on mutual consent under Section 13(B) of Hindu Marriage Act, 1955, accordingly, they have filed the petition for mutual consent on 10.08.2021, before the Family Court, Chennai. In view of the above settlement between them, the second respondent withdraw all the claims and allegations made against the petitioner in both DVC.No.18/18 and in HMOP.No.2808/2019. The second respondent do not have any other claim as against the petitioner, except filing a petition for mutual consent.

5.To that effect, the second respondent has filed an affidavit and prayed this Court to quash the FIR in Crime No.6/2017, pending on the file of the W-13, All Women Police Station (Washermenpet) on the ground of compromise entered between the petitioner and the second respondent. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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

7.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.6 of 2017, pending on the file of the first respondent

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

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.6 of 2017, pending on the file of the first respondent, is quashed on the terms of the affidavit filed by the second respondent, which shall form part and parcel of this order.

*Xerox copy of the Terms of the affidavit filed by the 2nd respondent is enclosed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W-13, AWPS - Washermanpet,
Chennai - 600 021,
Crime No.6/2017.

2. The Public Prosecutor,
High Court, Madras.

Copy to:
The VIth Judge,
Family Court, Chennai.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No.52132

Crl.O.P.No.16678 of 2021

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