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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16136 of 2021

and

Crl.M.P.No.8772 of 2021

1.S.Sureshkumar
2.Sivakumar
3.Banumathi

... Petitioners/Respondents 1 to 3

Vs.

1.The State rep. by its
The Inspector of Police,
All Women Police Station,
Ponneri - 601 204.
(Crime No.3/2018)

...1st Respondent/Complainant

2.Sangeetha

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.3 of 2018 pending on the file of the Inspector of Police, All Women Police Station, Ponneri, Tiruvallur District and quash the same.

For Petitioner : Mr.S.Sarath Chandran

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

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O R D E R

This Criminal Original Petition is filed to call for the records in Crime No.3 of 2018 pending on the file of the Inspector of Police, All Women Police Station, Ponneri, Tiruvallur District 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 compromise the dispute amicably among themselves.



3.The gist of the case is that the first petitioner and the second respondent got married on 09.06.2016 as per Hindu Rites and Customs at Deepan Thirumana Mandapam Panchetti Salai (near Petrol Bunk), Ponneri - 601 204 in the presence of family elders, friends and relatives of both parties. In pursuant to the said marriage they put up their matrimonial home at first petitioner's house and out their wedlock, no child was born to them. The second and third petitioners are father and mother in law to the second respondent. After few months of their marriage, there was incompatibility between them resulting in mutual unhappiness. Due to which the second respondent had lodged a complaint before the first respondent police and came to be registered in Crime No.3 of 2018 for the offence under Sections 498-A and 506(1) IPC against the petitioners.

4.In the mean while, the first petitioner and the second respondent got separated from each other and have been living separately from August, 2018 till date, wherein all sincere efforts made through the counselling for reunion have failed and ultimately their marriage has irretrievably broken and subsequently, they have decided to part and settle their issues among each other. They decided to file a petition for a decree of dissolution of marriage by mutual consent in O.P.No.3335 of 2021 pending on the file of the V Additional Family Court, Chennai. The second respondent also agreed to withdraw the complaint registered as against the petitioners in Crime No.3 of 2018 before the first respondent police and herewith filed the joint compromise memo to quash the FIR.

5.To that effect, the Joint Memo of Compromise dated 16.08.2021 entered between the petitioners and the second respondent. The petitioners and the second respondent present through Video conferencing and identified by Ms.M.Tamilselvi [WPC - 3140], All Women Police Station, Ponneri, Tiruvallur District. In the said memo it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.3 of 2018 pending on the file of the first respondent police. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6.The learned Government Advocate (Cr1. 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.3 of 2018 pending on the file of the Inspector of Police, All Women Police Station, Ponneri, Tiruvallur District.

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.3 of 2018 pending on the file of the Inspector of Police, All Women Police Station, Ponneri, Tiruvallur District is quashed on the terms of the Joint Memo of Compromise dated 16.08.2021, which shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

*Xerox copy of the Joint Memo of Compromise Enclosed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
All Women Police Station,
Ponneri - 601 204.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.16136 of 2021
Cr1.M.P.No.8772 of 2021

SJ(CO)
CB(27/10/2021)