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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16200 OF 2021

G.Chitrapavai

... Petitioner/
Accused No.2

Versus

1. The State represented by
The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.
Crime No.790 of 2018.

... 1st Respondent/
Complainant

2. S.AmareshMuthukumar

... 2nd Respondent/
Defacto Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.790 of 2018 on the file of the S-5, Pallavaram Police Station, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.R.Thiyagarajan

For Respondent No.1 : Mr.A.Damodaran,
Government Advocate
(Crl. Side)

For Respondent No.2 : G.Peranban

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.790 of 2018, dated 29.10.2018 on the file of the 1st respondent Police.



2. The case of the prosecution is that the petitioner and the second respondent defacto complainant are husband and wife. Out of their wedlock, they have two children one son and daughter. Some matrimonial disputes arose between them, the petitioner and the second respondent are living separately from 2nd week of March, 2018. Thereafter, the second respondent defacto complainant filed HMOP No.3515 of 2018 before the III Additional Family Court, Chennai and the petitioner also filed a civil suit in O.S.No.3418 of 2019 before the II Additional Judge, Chennai. Both cases are pending. Further, the petitioner trespassed into the house of the defacto complainant and when the same was questioned, the petitioner abused the defacto complainant and threatened with dire consequences, thereby, committed the alleged offence. Hence, the second respondent defacto complainant lodged a complaint and based on the complaint, a case in Crime No.790 of 2018 has been registered for offence under Sections 294(b), 448 and 506(i) IPC.

3. The case is still at the stage of investigation. By passage of time, the parties have decided to bury the hatchet and compromise the dispute amicably among themselves.

4. An Affidavit dated 19.08.2021 has been filed by petitioner/accused. The petitioner and the 2nd respondent were also present through Video conferencing. In the affidavit, it has been stated that the petitioner and the 2nd respondent compromised the dispute between them and also jointly filed divorce by mutual consent before the III Additional Family Court, Chennai in HMOP No.2042 of 2021 and both the parties have agreed to withdraw the proceedings pending against each other. In the compromise deed, it is stated that since the 2nd respondent and the petitioner are husband and wife, now compromised, the second respondent defacto complainant is not inclined to proceed with the investigation further. 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 Gujrat), 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.790 of 2018, on the file of the 1st respondent Police.



6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.760 of 2018, on the file of the 1st respondent police, is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.
Crime No.790 of 2018.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.47266

CRL.O.P.NO.16200 OF 2021

RSI (CO)
PBS/20/10/2021