



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18147 OF 2021

AND

CRL.MP.NO.9969 OF 2021

T.Bharathi

... Petitioner

Versus

1. The State represented by
The Inspector of Police,
Thandrampet Police Station,
Tiruvannamalai District,
(Crime No.45 of 2019)

2. B.Latha

... Respondents

PRAYER:- Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in connection with the Crime No.45 of 2019 on the file of the respondent police and quash the same.

For Petitioner : Mr.N.Elumalai

For Respondent : Mr.A.Damodaran
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the entire records in connection with the Crime No.45 of 2019 on the file of the respondent police and quash the same.

2. The case of the prosecution is that on 29.10.2019, there was a some wordy quarrel between the petitioner and the defacto complainant, who are the husband and wife. Due to wordy quarrel, the petitioner pushed her into a well uttering die and get lost. Thereafter, the defacto complainant lodged a complaint before the first respondent police. On receipt of the complaint, the first respondent police registered a case in Crime No.45 of 2019 under Sections 294(b) and 307 IPC.



3. The learned counsel for the petitioner submitted that after the complaint, the petitioner and the defacto complainant are living together happily and gave birth to a female child viz., B.Divya Sri on 04.06.2020. In this regard, birth certificate is produced before this Court. The petitioner and the 2nd respondent have entered into a compromise and amicably settled their issues without coercion, threat or compulsion. Hence, the petitioner has filed this petition to quash the crime No.45 of 2019.

4. 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.

5. The affidavits dated 13.09.2021 and 09.09.2021 have been filed by the petitioner and the 2nd respondent/defacto complainant. In the affidavit, it is stated that they are living together happily and till date, there is no further issues between them. Hence, the 2nd respondent/defacto complainant is not inclined to proceed with the investigation further. They appeared before this Court and produced the birth certificate and Aadhar card of their children. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. 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.45 of 2019, on the file of the 1st respondent Police.

7. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.45 of 2019, on the file of the 1st respondent police, is quashed against the petitioner. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sms



To

1. The Inspector of Police,
Thandrampet Police Station,
Tiruvannamalai District,
(Crime No.45 of 2019)

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Elumalai, Advocate, S.R.No.55598

CRL.O.P.NO.18147 OF 2021 AND
CRL.MP.NO.9969 OF 2021

RSV(CO)
PBS/06/12/2021