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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23409 OF 2021

A.Mohamed Azam

... Petitioner

Versus

1. State rep by,
The Inspector of Police
W-15 All Women Police Station
Royapuram, Chennai - 600 013

2. Mrs.S.Barahath Nisha

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.2 of 2018 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.C.S.Dhanasekaran

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed under Section 482 Cr.P.C., to quash the FIR in Cr.No.2 of 2018 on the file of the 1st respondent police.

2. On 19.11.2021, when the matter was listed under the caption for maintainability, this court passed the following order:

"The petitioner had earlier filed a quash application in Crl. O.P. No.25551 of 2018, seeking quashing of Crime No.2 of 2018. The petitioner was facing prosecution for the offence under Sections 354D of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. This court by the



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order dated 01.11.2018, permitted the petitioner to withdraw the petition and dismissed the Criminal Original Petition as withdrawn but, observed that the petitioner sought to withdraw the petition, finding that when the court was about to dismiss the case on merits, such plea made.

2. The learned counsel for the petitioner submitted that the Hon'ble Supreme Court in its judgment in Jitendra Raghvanshi and others vs. Babita Raghuvanshi and another reported in (2013) 2 SCC (Cri) 302 had observed that in matrimonial disputes, the duty of the court is to encourage the settlement of dispute.

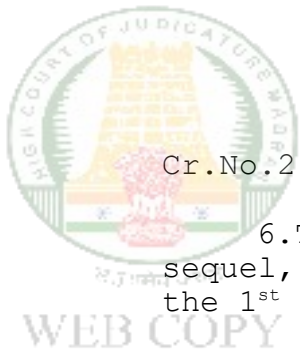
3. In the present case, the petitioner and the defacto complainant have matrimonial disputes between them. In this case, the defacto complainant is none other than the mother of the victim girl with who, the petitioner's marriage was previously fixed. Now, it is stated that the issue had been settled and compromise is arrived at, assailing compromise the quash petition, now filed.

4. In view of the same, the Registry is directed to number the criminal original petition and list the matter for admission."

3. As per the direction of this court, the case has been numbered and listed today for admission.

4. When the matter was taken up for admission, the second respondent who is present before this court, stated that she has filed an affidavit without any threat or coercion from any person compromised the issues with the petitioner. 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



Cr.No.2 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.2 of 2018, on the file of the 1st respondent police, is quashed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Asr

To

1. The Inspector of Police
W-15 All Women Police Station
Royapuram, Chennai - 600 013
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.S.Dhanasekaran, Advocate, S.R.No.64094

CRL.O.P.No.23409 of 2021

BR(CO)
PM/28/12/2021