



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18469 OF 2021

1.Nirmal Kumar
2.Kalyani
3.Poornima Devi

... Petitioners/Accused 1 to 3

Versus

1. The State Rep by
The Inspector of Police,
All Women Police Station,
Washermenpet, Chennai- 600 021.
(Crime No. 8 of 2020)

2. Rekha

...Respondents/
Complainant/Defacto Complainant

PRAYER:

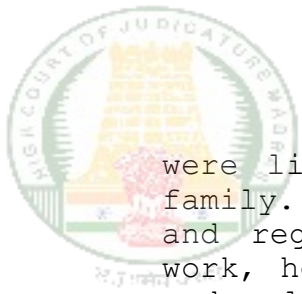
Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.08 of 2020 on the file of Inspector of Police, All Women Police Station, Washermenpet, Chennai and quash the same.

For Petitioners	:	Mr.R.Vivekananthan
For Respondent	:	Mr.A.Damodaran
No.1		Additional Public Prosecutor.
For Respondent	:	Mr.K.Balaji
No.2		

O R D E R

This criminal original petition has been filed to call for the records in Crime No.08 of 2020 on the file of the Inspector of Police, All Women Police Station, Washermenpet, Chennai and quash the same.

2.The case of the prosecution is that the first petitioner is the husband of the 2nd respondent defacto complainant. At the time of marriage, 119 sovereign of gold, 9 sovereign of gold to the first petitioner and 131/2 kilo grams of silver households articles were given as Sridhana articles. The first petitioner and the 2nd respondent defacto complainant



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were living together in the first petitioner's house as joint family. The first petitioner is working as a pilot in Air India and regularly travelling. When the first petitioner left for work, he used to leave the 2nd respondent in her mother's house and call her back when he returns from travel. Considering the aforesaid facts, on 02.05.2019 the first petitioner dropped the second respondent at her mother's house and promised that he will arrange separate residence for them. Thereafter, he did not return back. Therefore, the second respondent went to AIR PORT to see the first petitioner but the first petitioner informed her to go home as he had some work to do. Believing his words, the 2nd respondent went back to her matrimonial house, the second petitioner started to ill-treat and abused her in filthy language. When the 2nd respondent requested the petitioners to give back her jeweleries, the petitioners refused and continued to abuse her. Due to the ill-treatment of the petitioners, the 2nd respondent consumed sleeping pills of over dose, admitted in a private hospital for treatment. Thereafter, a complaint was lodged against the petitioners by the defacto complainant in Crime No. 8 of 2020 for offences under Sections 498(A), 406, 506 (1) of IPC, 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 & 6 of the Dowry Prohibition Act, 1961.

3. 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.

4. The Affidavits dated 27.09.2021 and 01.10.2021 are filed by the first petitioner and the second respondent before this Court. The 2nd respondent and the first petitioner present personally in the Court. In the affidavits, it is stated that the petitioners and the second respondent, entered into a compromise and amicably settled their issues in Crime No.08 of 2020 and both agreeable to give consent for mutual divorce before the concern family Court and both now exchanged their article and have no further claims and future claims. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The dispute is predominantly matrimonial dispute.

5. Under such circumstances, no useful purpose will be served in keeping the case 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 case in Crime No.08 of 2020, pending on the file of the first



respondent police

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.08 of 2020, pending on the file of the first respondent police, is quashed and the terms of affidavits shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

*Xerox copy of affidavits dated 27.09.2021 & 01.10.2021 are enclosed.

drm/sms

To

1.The Inspector of Police,
All Women Police Station,
Washermenpet,
Chennai- 600 021.

2.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.R.Vivekananthan, Advocate, S.R.No.52389
+1cc to Mr.K.Balaji, Advocate, S.R.No.52445

CRL.O.P.No.18469 of 2021

AD(CO)
PM/01/11/2021
PM/22/11/2021