



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19200 of 2021

1. Sivasooriyan
2. Raja
3. Kumar
4. Vijaya

... Petitioners/Accused 1 to 4

Vs

1. The Deputy Superintendent of Police,
Attur, Salem District.
2. The Inspector of Police,
Attur Police Station, Attur.
Crime No.30 of 2019. ...Respondents / Complainant
3. Krishnaveni ... Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.30 of 2019 pending on the file of the Respondents 1 and 2 and quash the same.

For Petitioners : Mr.R.Nalliyappan

For Respondent : Mr.E.Raj Thilak
Nos.1 &2 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.30 of 2019, dated 01.04.2019, on the file of the 2nd respondent Police.

2. The case of the prosecution is that on the complaint of the defacto complainant, FIR No.30 of 2019 was registered against the petitioners by the respondent police under Sections 294(b), 323, 417 IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Sections 3(1)(r), 3(1)(s) and 3 (2) (va) of SC ST (Prevention of Atrocities) Act. As per the



complaint, the defacto complainant was having love affair with the first petitioner and later they got married on 28.02.2019. On 29.03.2019, when the defacto complainant went to the house of the first petitioner, the petitioners alleged to have abused her with filthy language by mentioning her caste name and further they alleged to have beaten her with legs.

3. The learned counsel for the petitioners submits that subsequent to the above complaint, the first petitioner and the defacto complainant are living together, and out of their wedlock, a male child also born on 12.05.2020. The marriage certificate and the birth certificate of the child are also filed.

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 first petitioner and the defacto complainant along with their child are present in Court. The defacto complainant stated that both of them are now living happily with their child and she is not willing to proceed with the above complaint.

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 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 First Information Report in Crime No.30 of 2019, on the file of the 2nd respondent Police.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.30 of 2019, on the file of the 2nd respondent police, is quashed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Attur, Salem District.
2. The Inspector of Police,
Attur Police Station, Attur.
Crime No.30 of 2019.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.62327

CRL.O.P.No.19200 of 2021

VBM[co]
NSK 23/12/2021