



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.21427 OF 2021

K.Jaganath

...Petitioner

Versus

1. State of Tamil Nadu,
Inspector of Police,
S.5, Choolaimedu Police Station,
Chennai.

2. P.Monika @ Padmapriya

...Respondents

Prayer:

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to F.I.R. in Crime No.51 of 2020 on the file of the first respondent police and quash the same against the petitioner.

For Petitioner : M/s.Kanimozhi Mathi

For 1st Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

For 2nd Respondent : Mr.M.Rakhi

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.51 of 2020 on the file of the first respondent police and quash the FIR against the petitioner.

2. The case of the prosecution is that the petitioner and the de-facto complainant was married on 02.03.2015, as per Hindu



rites and customs. Out of the wedlock a male child was born on 12.05.2016. Due to the continuous difference and temperamental incompatibility the marital life between the petitioner and the de-facto complainant became miserable and broken down. Further, the petitioner and the de-facto complainant started to live separately and the petitioner continuously torturing the de-facto complainant to pay a sum of Rs. 5 Lakhs to repay his debt. The Petitioner abused the de-facto complainant in filthy language and threatened to kill her family. Hence, the de-facto complainant filed a complaint against the petitioner and FIR was registered in Crime No.51 of 2020 for the offences under Sections 294(b), 323, 506(ii) of IPC.

3. The learned counsel for the petitioners submitted that the petitioner is a law abiding person and he has not committed any offence as alleged in the Charge Sheet. The petitioner and the de-facto complainant are husband and wife and the dispute is purely on misunderstanding. The FIR was lodged against the petitioner only in a fit of anger. Now, after the intervention of respectable known persons, both the parties have come to a compromise. Hence, the petitioners have filed this petition to quash the FIR in Crime No.51 of 2020.

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

5. The Affidavit dated 23.11.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.51 of 2020. This Court also enquired both the parties and was 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 offence involved is 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.51 of 2020.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.51 of 2020, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order.

* Xerox copy of Affidavit of P.Monika @ Padma Priya dated 23.11.2021 is enclosed.

Sd/-
Assistant Registrar(CO)

//True Copy//

vm/asr Sub Assistant Registrar

To

1. The Inspector of Police,
S.5, Choolaimedu Police Station,
Chennai.

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Rakhi, Advocate, S.R.No.60901

Cr1.O.P.No.21427 of 2021

KV(CO)
PM/06/12/2021