



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.21239 of 2021
in Crl. MP. No.11164 of 2021

Prabakaran

...Petitioner/Accused

Versus

1.The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
Crime No.144 of 2021.

2.Rajendran

...Respondents/Complainant/Defacto Complainant

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.144 of 2021 on the file of the first respondent police and quash the same.

For Petitioner :Mr.R.Prabakar

For Respondents :Mr.E.Raj Thilak
Additional Public Prosecutor
for R1.

Mr.M.R.Vivekananthan for R2

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.144 of 2021 on the file of the first respondent police and quash the FIR against the petitioner.

2. The case of the prosecution is that the 2nd respondent/de facto complainant daughter's marriage was performed with the petitioner on 27.05.2018. Out of the wedlock, she was blessed with one male child. There was a



demand of dowry and then and there it was amicably solved. On 15.04.2021, the wife of the petitioner committed suicide and the same was informed to the 2nd respondent. Hence, the 2nd respondent has preferred the complaint against the petitioner and FIR was registered in Crime No.144 of 2021 for the offences under Section 174 of Cr.P.C. subsequently altered to Section 306 IPC.

3. The learned counsel for the petitioner submitted that at present the 2nd respondent realized the true facts and wanted to give quietus to the issue and take care of the interest of the minor children. The FIR was lodged against the petitioner only in a fit of rage. Now, the petitioner and the 2nd respondent are in good terms and both are taking care of the interest of the minor child. Hence, the petitioner has filed this petition to quash the FIR in Crime No.144 of 2021.

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. A Joint Memo of Compromise dated 20.10.2021 has been filed before this Court which have been signed by the petitioner and the 2nd respondent. The petitioner and the second respondent were present at the time of hearing. In the said memo, it has been stated that the incident reported in the FIR has taken place in a fit of anguish and bitterness and later both the parties realized the truth and reality of their respective sides. Since both being a relatives and minor son is being looked after well and with the custody of the petitioner, the 2nd respondent wants to maintain cordiality, the petitioner and the second respondent have entered into a compromise and amicably settled their issues in FIR. No.144 of 2021. 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.144 of 2021.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.144 of 2021 is quashed and the terms of joint compromise memo shall form part and parcel of this order.

(*Memo Of Compromise Xerox Copies enclosed)

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

rkp

To

1.The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
Crime No.144 of 2021.

2.The Public Prosecutor
High Court, Madras.

+1 CC to Mr.R.Prabakaran, Advocate sr 60548.

Crl.O.P.No.21239 of 2021

RGN(CO)
SP(02/12/2021)