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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21642 of 2021

Dharmaraj

... Petitioner

Versus

1.State rep. by

The Inspector of Police,
Padalur Police Station,
Perambalur District,
(Crime No.185 of 2018)

2.Dharmalingam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned FIR in Crime No.185 of 2018 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Vijayaragavan

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

O R D E R

This Criminal Original Petition is filed to call for the records in connection with the impugned FIR in Crime No.185 of 2018 on the file of the first respondent and quash the same.

2.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.

3.On 09.12.2021, this Court passed the following order:

"The petitioner, who is an accused in Crime no.185 of 2018, had filed this quash petition.

2.Initially, the case in Crime No.185 of 2018 registered under Section 174 of Cr.P.C. on the complaint of one Dharmalingam, who is father-in-law of the petitioner and thereafter, altered into 306 of IPC. The marriage between the petitioner and one Divya, who is the daughter of the second respondent/defacto complainant, took place during the year 2016. Out of wedlock,



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a male child was born and both were living happily for some time. Since the male child had some birth defects in the left leg, i.e., the small finger, inclined inward, which caused mental depression to the said Divya. Hence, there was frequent quarrel between the petitioner and his wife with regard to the same. Due to which, on 22.06.2018, she committed suicide by hanging. Thereafter, RDO conducted enquiry and found that there was no dowry demand and suicide was due to some other reason, which has to be investigated. Now, the petitioner had come along with his father-in-law/defacto complainant for compromise quash.

3.Today, the petitioner and the defacto complainant/father-in-law of the petitioner, present before this Court and expressed their willingness to compromise.

4.The 2nd respondent/de-facto complainant admits that the petitioner is taking care of his grand son, who is aged about 5 years, they are having cordial relationship with each other. He is convinced that petitioner/son-in-law is not the reason for his daughter committing suicide, it might be due to her depression. The petitioner is not an abettor, defacto complainant enquired with his relatives and found that it was a normal family quarrel between the petitioner and the deceased. The petitioner is taking care of his grand son, both petitioner and defacto complainant are visiting each other. They maintain cordial relationship. Further, in the interest of his grand son defacto complainant wants to compromise the case, not intended in further pursuing the case, which would only prove defermental.

5.The learned counsel for the petitioner produced a judgment of the Hon'ble Supreme Court of India in the case of Parbathbhai Aahir @ Parbathbhai /vs/ State of Gujrath reported in 2017 (9) SCC 641.

6.The learned Government Advocate (Crl. Side) seeks small accommodation to verify with the respondent police about the stage of the case.

Post the matter on 16.12.2021."

4.Today, this matter is taken up for hearing. In continuation of the earlier order dated 09.12.2021, passed by



this Court, the joint compromise memo filed by the petitioner and the second respondent and the contents of the joint compromise memo was verified. Further investigation is still pending.

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5.The learned Additional Public Prosecutor appearing for the first respondent also confirms the same.

6.Under such circumstances, no useful purpose will be served in keeping the FIR 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 Crime No.185 of 2018 on the file of the first respondent.

7.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.185 of 2018 on the file of the first respondent, is quashed on the terms of the joint memo of compromise filed by the petitioner and the second respondent, which shall form part and parcel of this order.

* Herein enclosed the Xerox copy of the Memo of Compromise.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Padalur Police Station, Perambalur District.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.M.Vijayaragavan, Advocate SR. No.68176

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