



WEB COPY

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.22650 OF 2021

AND

CRL.M.P.NO.12329 OF 2021

Madhan ... Petitioner/Accused No.1

Versus

1. The State Rep. by its,
The Inspector of Police,
S7, Madipakkam Police Station,
Madipakkam,
(In Crime No.403 of 2021) ... Respondent/Complainant

2. Mrs.Sindhu ... Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S7 Madipakkam Police Station in Crime No.403 of 2021 and quash the same.

For Petitioner : Mr.M.K.Subramanian

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 S7 Madipakkam Police Station in Crime No.403 of 2021 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. The gist of the case is that the petitioner and the second respondent both fell in love through Face book and got married. Out of their wedlock the second respondent given birth to a male child on 08.10.2019 at Bloom Hospital, Velacherry and they named him as Athiran. The petitioner is an engineer and now he is currently working for Wipro IT Company. The second respondent did Fashion Design Course and participated in the event management as a freelancer. The second respondent has been sewing and making make-up over the phone from home and making money. Due to the misunderstanding between the petitioner and the second respondent, the petitioner took his baby boy Athiran away on 11.08.2021 morning 11.00 hours and kept his son with his family. The second respondent was depressed by this event. So the second respondent had lodged a complaint at the police station on 26.08.2021 and it has registered at Madipakkam Police Station by the first respondent on the same day in Crime No.403 of 2021, for offence under Sections 498(A), 363, 365, 354(C) and 506(1) IPC and under Section 67 of IT Act, 2000.

4. In the mean time, it has been unanimously decided by the petitioner and the second respondent to put an end to all the litigation between them. To that effect, the second respondent and the petitioner have filed affidavits stating that both of them decided to forget the past and started living together with their child at Guduvancheri flat, which was bought by them recently. Hence, they are not willing to proceed further in Crime no.403 of 2021, at the interest of their child and their wellbeing, since the issue has been settled amicably. The second respondent and the petitioner have approached the first respondent and informed about the compromise aroused between them.

5. Today, the petitioner and the second respondent along with the child appeared before this Court.

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

7. 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.403 of 2021 on the file of the first respondent.



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

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.403 of 2021 on the file of the first respondent, is quashed on the terms of the affidavits filed by the petitioner and the second respondent, which shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

* Xerox Copies of Affidavits of Sindhu and Madhan is enclosed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
S7, Madipakkam Police Station,
Madipakkam.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.K.Subramanian, Advocate, S.R.No.68090

CRL.O.P.NO.22650 OF 2021 AND
CRL.M.P.NO.12329 OF 2021

PVS (CO)
PBS/28/01/2022