



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.12.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

WEB COPY

CRL.O.P.No.24251 of 2021
and Crl.M.P.Nos.13383 & 13384 of 2021

C.Krishna

... Petitioner

Versus

1.The State rep. by
The Inspector of Police,
All Women Police Station - West,
Coimbatore,
(Crime No.8 of 2020)

2.Annapoorani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1530 of 2021, pending on the file of the Additional Mahila Court, Coimbatore and to quash the same.

For Petitioner : Mr.L.Muralikrishnan

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 C.C.No.1530 of 2021, pending on the file of the Additional Mahila Court, Coimbatore and to quash the same.

2.The case is still at the stage of trial. 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 defacto complainant/second respondent have given a complaint before the first respondent police on 10.09.2021, alleging that the petitioner has already demanding more dowry and treated her with cruelty. The further allegation of the second respondent is that due to the same, the second respondent was allegedly sent out of the matrimonial home for want of alleged dowry. Hence, the second respondent/defacto complainant had lodged a complaint before the first respondent police and the same was



registered as FIR in Crime No.8 of 2020, for the offence under Sections 498(A), 323 and 506(2) IPC. Thereafter the first respondent filed charge sheet in Crime No.8 of 2020 and the case is taken on file and culminated into C.C.No.1530 of 2021, which is now pending before the Additional Mahila Court, Coimbatore.

5. 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 has filed a consent affidavit and the relevant paragraph is extracted as follows:

"4. It is respectfully submitted that during the pendency of the various proceedings, after due deliberations, we have arrived at an amicable settlement and agreed to iron out issues and give a peaceful exit to the relationship. Accordingly petition for dissolution of marriage on mutual consent in O.P.No.4019 of 2021 was filed before III Additional Family Court, after duly withdrawing all the other pending proceedings.

5. I submit that as per clause 7(b) of the Petition under section 13-B of the Hindu Marriage Act the petitioner's nephew has agreed and undertaken to pay a sum of Rs.2,15,00,000/- (Rupees Two Crores Fifteen Lakhs Only) towards various expenses incurred towards and incidental to the marriage. I have already received a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only) towards such payment, vide demand draft dated 15.09.2021, bearing No.509222 issued by ICICI Bank, Cenotaph Road, Chennai. The petitioner's nephew has undertaken to pay the balance sum of Rs.1,85,00,000/- (Rupees One Crore Eighty Five Lakhs Only) vide Demand Draft dated 6.12.2021, bearing No.509389 issued by ICICI Bank Ram Nagar, Coimbatore for a sum of Rs.90,00,000/- and Demand Draft dated 08.12.2021, bearing No.509398 issued by ICICI Bank, Ram Nagar, Coimbatore for a sum of Rs.95,00,000/-. He has furnished a copy of the said Demand Draft to me, while delivering the original thereof to my counsel, to hold it for me in trust till recording evidence in the petition for dissolution on mutual consent. Subject to encashment thereof, I have agreed to receive the said sum towards full quits of all my claims.

6. I state that as the complaint lodged against the petitioner also stemmed out of the matrimonial discord between me and



WEB COPY

petitioner's nephew, which we have mutually agreed to resolve by filing a petition for divorce on mutual consent. Since all issues between us have been agreed to be settled as per terms contained in the petition for divorce on mutual consent, the continuation of the criminal proceeding against the petitioner on the basis of the complaint lodged by me may not be present warranted. The complaint being a wholly independent issues revolving around me, the petitioner and his family, a closure thereof pursuant to the settlement arrived at would only leave all concerned in peace.

7. In these circumstances, I consent to the quashment of C.C.No.1530 of 2021 pending on the file of the II Mahila Court, Coimbatore as against the petitioner and other accused mentioned in FIR No.8, on the strength of the terms of settlement recorded in OP.NO.4019 of 2021."

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 case 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 case in C.C.No.1530 of 2021 on the file of the Additional Mahila Court, Coimbatore.

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 C.C.No.1530 of 2021, pending on the file of the Additional Mahila Court, Coimbatore, is quashed on the terms of the consent affidavit filed by the second respondent, which shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

*Herein enclosed the xerox copy of consent Affidavit of 2nd Respondent

Sd/-
Assistant Registrar(CS)

//True Copy//



ah
To

1.The Judge,
Additional Mahila Court,
Coimbatore.

2.The Inspector of Police,
All Women Police Station - West,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+2 ccs to M/s.Ojas Law Firm, Advocate Sr.NO. 67829

CRL.O.P.No.24251 of 2021
and Crl.M.P.Nos.13383 & 13384 of 2021

EV(CO)
A.SK(07.01.2022)