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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25112 OF 2021

- 1.Logeswari
- 2.Muniammal
- 3.Inthira
- 4.Krishnaveni

... Petitioners/Accused 1 to 4

Versus

1. State of Tamil Nadu,
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.

... 1st Respondent/Complainant

2. Monisha

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR No.1634 of 2021 on the file of the first respondent police and quash the same.

For Petitioner : M/s.M.Mohamed Riyas

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 relating to FIR No.1634 of 2021 on the file of the first respondent police 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 second respondent/defacto complainant and her husband visited her husband resident to participate in the death ceremony of her father-in-law and after the death ceremony the second respondent and her husband stayed in the said resident for 16th day death ceremony. On 05.11.2021, her mother-in-law requested the second respondent's husband to pay a sum of Rs.35,000/- for 16th day death ceremony but the second respondent's husband refused the same. So, the mother in law and sister in law started a wordy quarrel to pay the said amount but both of them refused to pay the said amount. On the said date the petitioners voluntarily harassed the second respondent and abused her with filthy languages and assaulted her and also pushed her away from the resident. Due to the rude behaviour of the petitioners the second respondent/defacto complainant got aborted and she was admitted in a hospital for treatment. Hence, the second respondent/defacto complainant had lodged a complaint before the first respondent police and a case in Crime No.1634 of 2021 came to be registered, for offence under Sections 294(b), 323, 315, 198(A) of IPC.

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/defacto complainant and the petitioners have filed a joint memo for compromise stating that the above said case is a dispute between the family members and they have been amicably resolved themselves. All the disputes and the differences have been resolved. They have decided to keep harmony between them, to live with peace and love. At present there is no dispute among them and there is no collusion and connivance between them in filing this compromise memo. They appeared before this Court and this Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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 Gujrath), 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 FIR in Crime No.1634 of 2021, pending on the file of the first respondent police.



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7. In view of the above said fact, this Court finds that it is a family dispute among the petitioners and the second respondent and 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.1634 of 2021, pending on the file of the first respondent police, is quashed, on the terms of the affidavit and the affidavit filed by the second respondent, which shall form part and parcel of this order.

* Herein Enclosed the Xerox Copy of the Affidavit filed by 2nd Respondent Monisha.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Mohamed Riyas, Advocate, S.R.No.69405

CRL.O.P.No.25112 of 2021

SJ(CO)

RLP(10/01/2022)