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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4321 OF 2022

R.J.Kanagavalli

... Petitioner/Accused

.Vs.

1. The State Rep. by
The Inspector of Police,
R-9, Valasaravakkam Police Station,
T.Nagar, Chennai.
(Crime No.48 of 2020)

... 1st Respondent/Complainant

2. Harikrishnan

... 2nd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the FIR in Crime No. 48 of 2019 on the file of the first respondent police.

For Petitioner : M/s.L.Kavitha

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
(Criminal Side)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No. 48 of 2019, on the file of the first respondent police, for the offences punishable under Sections 294(b), 506(i) of I.P.C and 66 of the Information Technology Act, 2000.

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. A Memorandum of Understanding has been filed dated 06.01.2022 before this Court, which have been signed by the petitioner and the second respondent and also by their respective counsel, which reads as follows:

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(i) The 2nd Party shall file a quash petition for quashing Cr.No.48 of 2020 on the file of the Inspector of Police, R9, Valasaravakkam Police Station, T.Nagar, Chennai, for which the 1st party shall file her affidavit confirming the compromise and this MOU to enable the Hon'ble High Court to quash Cr.No.48 of 2020.

(ii) The 1st party and his mother and his relatives shall file a quash petition for quashing Cr.1018 of 2019 on the file of the Inspector of Police, S10, Pallikaranai Police Station, St.Thomas Mount, Chennai for which the 2nd Party shall file her affidavit confirming the compromise and this MOU to enable the Hon'ble High Court to quash Cr.No.1018 of 2019.

(iii) Both the parties have already exchanged their valuables, consumer durables and other articles and confirm that they have no claim towards each other.

(iv) The parties agree that the divorce granted by and the VI Additional Family Court, Chennai are valid and both parties agree not to reopen the above proceedings and both shall not file any other case, petition or complaint before any police, or any authorities or before any court except as stipulated in this deed of MOU.

(v) Each party will bear all costs and expenses incurred by them in relation to the quash petition which are agreed as per this deed of MOU.

(vi) The parties have signed this memorandum with complete understanding of the import of the clauses and agreed to the same on their own will and volition.

The petitioner and the second respondent, who are divorced spouses are, also present in person before this Court. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. 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. quashes the First Information Report in Crime No. 48 of 2019.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.48 of 2019, on the file of the first respondent police, is quashed and the terms of Memorandum of Understanding shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn/ab

To

1. The The Inspector of Police,
R-9, Valasaravakkam Police Station,
T.Nagar, Chennai.
2. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.L.Kavitha, Advocate, S.R.No.15150

CRL.O.P.NO.4321 OF 2022

RR(CO)
PBS/21/03/2022