

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.OP.NO.2944 OF 2019

&

CRL MP.NO.1962 OF 2019

1. R.Muni Krishnaih Naidu
2. Mrs.Kalpana
3. Mrs.Sumathi

... Petitioners

Vs

State rep. by

1. The Inspector of Police,
W-29, All Women Police Station,
Avadi,
Chennai-054
2. R.Revathi

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and to quash the First Information Report, dated 29.12.2018 registered in Crime no.17 of 2018, on the file of the respondent, in so far as petitioners are concerned.

For Petitioners : Mr.R.Munuswamy

For Respondents : Mr.R.Vinothraja, GA for R1

ORDER

This petition has been filed under Section 482 Cr.P.C., to call for the records and to quash the First Information Report, dated 29.12.2018 registered in Crime no.17 of 2018, on the file of the respondent police, in so far as petitioners are concerned.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent police.

3.The learned counsel for the petitioner has submitted that this case arose out of complaint preferred by the wife against the husband under Sections 498 (A) and 506 of IPC. Based on which, an FIR in crime no.17 of 2018 on the file of the All Women Police Station, Avadi was registered. Prior to that, the husband filed HMOP No.55 of 2015 seeking divorce against his wife. Subsequently, the wife also filed HMOP No.61 of 2015 on the file of the learned Judge, Family Court, Tiruvallure, seeking restitution of conjugal rights and the same was taken up for enquiry. Subsequently, the petition filed by the wife in HMOP No.61 of 2015 was dismissed while the petition filed for divorce by the husband in HMOP No.55 of 2015 was allowed. In HMOP No.55 of 2015, the learned Judge, Family Court, Tiruvallur has ordered that both have to exchange their gold ornaments, silver, dresses and other things by compromise and it was also agreed that not to claim any further in future. They also agreed to withdraw the case registered in Crime No.17 of 2018 on the file of the All Women Police Station, Avadi unconditionally. It was also agreed that HMOP No.55 of 2015 has to be allowed and HMOP No.61 of 2015 has to be dismissed as not pressed. In view of the compromise arrived at between the parties under Ex.C1, no prejudice will be caused if FIR is quashed.

4.At this juncture, the learned Government Advocate representing the Investigating Officer submits that the investigation has not been completed in that case and later the FIR is also closed.

5.In view of the above submission, this criminal original petition is closed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W-29, All Women Police Station,
Avadi,
Chennai-054

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Munuswamy, Advocate, S.R.No.24385

Cr1.OP.No.2944 of 2019

KV(CO)
RLP(04/05/2022)