



IN THE HIGHCOURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.21017 of 2018

1.A.Ramesh
2.A.Selvam
3.Maheswari
4.Bharathi
5.Sivamani
6.Ramajayam
7.Chinna Kanniyamma

... Petitioners/ Accused

Vs.

1.State by Inspector of Police
All Women Police Station
Ponneri.

...1st Respondent/Complainant

2.R.Kavitha

... 2nd Respondent/ Defacto Complainant

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in Crime No.5 of 2015 on the file of the first respondent Police and quash the same.

For Petitioners : Mr.V.Yurendra Kumar

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the case in Crime No.5 of 2015 on the file of the first respondent Police and quash the same.

2. The petitioners, who are the accused in Crime No.5 of 2015, for the offence under Sections 294(b), 323, 498(A), 506 (ii) of IPC and Section 4 of Women Harassment Act, have filed this quash petition.

3. The petitioners have filed this quash petition primary on the ground of compromise arrived between the first



petitioner and the defacto complainant/second respondent. Today, the first petitioner and the defacto complainant appeared before this Court. The defacto complainant admitted about the compromise arrived between them and she has no objection for quashing the First Information Report in Crime No.5 of 2015.

4. The learned counsel for the petitioner submitted that the first petitioner and the defacto complainant entered into a compromise on 02.06.2017 and all the issue between them got resolved. Pursuant to the compromise, the first petitioner and the defacto complainant had appeared before the Social Welfare Officer and informed the compromise and the defacto complainant gave a letter on 02.06.2017 seeking to close the complaint. Recording the same, the Social Welfare Officer closed the complaint in Na.Ka.No.263-2/A4/2017 dated 15.06.2017.

5. Likewise, in HMOP.No.97 of 2015, recording the compromise, the Principal Sub-Court, Tiruvannamalai, granted divorce by mutual consent by judgment dated 20.07.2017. Since the defacto complainant had no objection for granting of divorce, the marriage between the first petitioner and defacto complainant dated 04.07.2015 was cancelled and divorce granted. The joint memo of settlement, dated 02.06.2017, signed by both the parties and their respective counsels are annexed in the the typed set of papers, which is extracted hereunder:

1. The petitioner and respondent got married on 04.07.2015 at Raja Rajeswari Tirumala Mandapam, Tiruvannamalai.

2. The petitioner is the husband of the respondent and they are living separately from each other for more than 2 years.

3. The petitioner has filed the above HMOP No.97 of 2015 for divorce before the Principal Sub-Court, Tiruvannamalai.

4. The respondent has lodged a Police complaint before the All Women Police Station, Villupuram which was forwarded to All Women Police Station, Ponneri, was registered under Sections 294 (b), 323, 498(A) and 506(ii) of IPC and Section 4 of Women Harassment Act, in Crime No.5 of 2015 dated 01.07.2015, pending on the file of the Judicial Magistrate II.

5. The respondent has lodged a complaint before the Protection Officer (Social Welfare Department) at Tiruvannamalai under the provisions of domestic violence Act against the petitioner and his family members wherein enquiry is pending.

6. All the above proceedings are pending



before the respective Courts between the parties."

6. The learned Additional Public Prosecutor submitted that it is only a matrimonial dispute between the parties and he confirmed the compromise entered between the first petitioner and the defacto complainant.

7. Considering the fact that it is a matrimonial dispute between the parties and the dispute has been amicably settled, this Court is inclined to allow this petition.

8. Accordingly, this petition is allowed and the FIR in Crime No.5 of 2015 is quashed. The settlement dated 02.06.2017 entered between the parties before the Family Court, shall hold good.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
All Women Police Station
Ponneri.

2.The Public Prosecutor
High Court Madras.

+1cc to Mr.V.Chandramohan, Advocate, S.R.No.21539

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GPL (CO)
SB(18/04/2022)