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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9318 of 2022

1.Dr.C.Sooria Prakas
2.J.Chandrasekaran
3.Dr.C.Malarkkodi

... Petitioners

Vs

1.The State Represented by,
The Inspector of Police,
W-All Women Police Station,
Poonamallee, Chennai - 600 056.
(Crime No.29 of 2019)

2.Keerthika N

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records and quash the First Information Report in Crime No.29 of 2019 on the file of the respondent police.

For petitioners : Mr.P.Anbarasan

For Respondents :

For R1 Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to call for the records and quash the First Information Report in Crime No.29 of 2019 on the file of the respondent police.

2. The learned counsel for the petitioner would submit that the matter arises out of matrimonial dispute. The first petitioner is the husband and the defacto complainant is the wife. Due to misunderstanding, the second respondent has given a complaint against the petitioner, based on which, a case in Crime No.29 of 2019 was registered by the first respondent for the offences punishable under Sections 406, 294(b), 498(A) and 506 (i) of IPC. The parties have compromised the matter,



pursuant to which, divorce has also been granted between the parties and the second respondent/defacto complainant does not want to proceed further.

3. 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.

4. A Joint Compromise Memo has been filed before this Court, which has been signed by the petitioner and the second respondent/defacto complainant and also by their respective counsels. The petitioner and the second respondent/defacto complainant are present before this Court and they were identified by the Inspector of Police, W 30 All Women Police Station, Poonamallee, Chennai. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. The Joint Compromise Memo filed by the petitioner and the second respondent is extracted below:-

"1. It is submitted that O.P.No.1521 of 2021 was filed by the first petitioner for divorce before Hon'ble II Additional Family Court. The Petitioner and Respondent have been separated since November, 2019.

2. It is respectfully submitted that during the pendency of the criminal proceeding and matrimonial cases, with the intervention of the elders, relatives and well wishers, both of us arrived a amicable settlement accordingly mutual consent petition in O.P.No.5315 of 2021 was filed to dissolve the marriage held between the Petitioner and the Respondent/Defacto complainant on 29.06.2015 at Rani Meyyammai Hall, 18-C, Rukmani Lakshmipathi Road (Marshall Road), Egmore, Chennai-600 008, as per Hindu rites and customs and the marriage registered on 29.06.2015 at Serial No.216 of 2015 with the Registrar of Marriages, Sub Registrar, Periamet, maintained under the Tamil Nadu Registration of Marriages Act, 2009 was filed before II Additional Family Court wherein it was agreed as per clause 6(e) of the Mutual consent petition that Respondent/Defacto Complainant have to withdraw all the criminal complaints pending against the Petitioners in order to put quitieous to the dispute and part away in the peaceful manner.



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3. It is respectfully submitted that as per clause 6(b) of the Petition under section 13-B of the Hindu Marriage act the Petitioner agreed and undertook to pay the Respondent/Defacto Complainant a sum of Rs.40,00,000/- (Rupees Forty Lakhs Only) towards the full and final settlement of the Permanent Alimony and maintenance of the Respondent/Defacto complainant and the Minor Child Khushee for the past, present and future. The Respondent/Defacto Complainant have received a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) towards such payment, vide demand draft dated 10.12.2021, bearing No.182798 issued in favour of me drawn on Indian Bank, New Delhi main branch and the first Petitioner agreed and undertook to pay the balance sum of Rs.30,00,000/- [Thirty Lakhs Rupees Only] to me at the time of let in evidence before the Hon'ble Court for Judgement and Decree allowing the mutual consent petition.

4. It is respectfully submitted that as the dispute between the 1st Petitioner and Respondent/Defacto Complainant has absolutely settled accordingly, the mutual consent Petition O.P.No.5315 of 2021 is filed before II additional Family Court at Chennai by 1st Petitioner and the Respondent/Defacto Complainant. Therefore it is just and necessary that this Hon'ble court may be pleased to allow the Petition.

In these circumstances it is prayed that this Hon'ble court may be pleased to record this Joint Memo of Compromise for allowing this quash Petition and quash the proceedings in Crime No.29 of 2019 pending the file of Inspector of Police, W30 All Women Police Station, Poonamallee, Chennai against the petitioners herein and allow the Criminal Original Quash Petition and thus render justice."

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in Crime No.29 of 2019.



7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.29 of 2019 on the file of the first respondent is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

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* Herein enclosed the Xerox copy of the Joint Memo of Compromise

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

arb/rgm

To

1.The Inspector of Police,
W-All Women Police Station,
Poonamallee, Chennai - 600 056.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9318 of 2022

SMI (CO)
PR (19/05/2022)