



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6790 OF 2022

Susan Deborah

...Petitioner/
Sole Accused

-Vs-

1. State rep by,
The Inspector of Police,
E-1, Mylapore Police Station,
Mylapore, Chennai.
Crime No.79/2022.

... 1st Respondent/Complainant

2.G.Stella Mary

..2nd Respondent/Defacto Complainant

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to the FIR in Crime No.79 of 2022 pending on the file of the 1st respondent police and quash the same against the petitioner.

For Petitioner : Mr.V.Ramamurthy
For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
Mr.S.Ruben for R2

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.79 of 2022 pending on the file of the 1st respondent police and quash the same against the petitioner.

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



3.A Joint Compromise Memo has been filed before this Court, which have been signed by the petitioner and the second respondent/defacto complainant and also by their respective counsel. The second respondent/defacto complainant and witnesses have also filed their affidavit. The learned counsel for the petitioner would submit that an unfortunate incident had happened in the spur of the moment. He would submit that the petitioner had compromised with the 2nd respondent/defacto complainant and all the witnesses and they have also condoned the act of the petitioner and they have also compromised the matter. The Joint Compromise Memo has been filed by the petitioner and the 2nd respondent/defacto complainant and the other victims who have also signed as witness. The petitioner and the 2nd respondent/defacto complainant and all the victims are present before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. A terms of Joint Compromise Memo is extracted hereunder:-

"1.The 2nd respondent/ Defacto Complainant had preferred a complaint against the petitioner for which the 1st respondent police has registered a case in Crime Number 79/2022 for offences U/s. 341, 294(b), 323 and 506 (ii) of I.P.C. dated 14.02.2022.

2.The petitioner is none other than the daughter of the correspondent of a school where the 2nd respondent is the Head Mistress. The petitioner submits that she resented for her behavior and an amicable compromise was entered between the Defacto Complainant and the petitioner.

3.The 2nd respondent/ Defacto complainant has graciously accepted the apology of the petitioner and has agreed not to pursue the case against the petitioner and the Defacto Complainant has consented to quash the F.I.R. in Crime Number 79/2022 on the file of the 1st respondent. Moreover, the persons named in the FIR as witnesses/victims namely 1. W.Elite Jasmin, 2. R.Rukmani, 3. M.Premkumari have also consented for withdrawal of the case and affixed their signature in this joint memo of compromise.

4.Keeping the interest and welfare of the management and students, the regret expressed by Susan Deborah can be accepted and we have no objection to close the case against her. We have perused the affidavit



filed by Mrs.G.Stella Mary, the Head Mistress of the school. We have no object to record the affidavit and to dispose of the case.''

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No.79 of 2022 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quash the proceedings in Crime No.79 of 2022.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.79 of 2022 on the file of the 1st respondent/Inspector of Police, E-1, Mylapore Police Station, Mylapore, Chennai, is quashed and the Joint Compromise Memo and Affidavit of the 2nd respondent/defacto complainant shall form part and parcel of this order.

*Xerox copy of Joint Memo Compromise is enclosed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Inspector of Police,
E-1, Mylapore Police Station,
Mylapore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ramamurthy, Advocate, S.R.No.21484
+2ccs to Mr.S.Ruben, Advocate, S.R.No.21482

Cr1.O.P.No.6790 of 2022

MG(CO)
PM/06/04/2022