



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8299 of 2022

D.Prasanna

...Petitioner/Accused

-Vs-

1.The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar,
Chennai.

2.Swetha .. 2nd Respondents/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining FIR in Crime No.18 of 2021 pending on the file of the AWPS, MKB Nagar, Chennai and quash the same.

For Petitioner :Mr.Mohamed Riyaz

For Respondents :Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.
Mr.M.Rajavelu for R2.

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining FIR in Crime No.18 of 2021 pending on the file of the AWPS, MKB Nagar, Chennai and quash the same.

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. The Memorandum of Understanding has been filed before this Court, which have been signed by the petitioner and 2nd respondent/defacto complainant and both the parties 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. The Memorandum of Understanding is extracted hereunder :-

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1. The Party of the First Part has accepted to pay a full and final settlement of a sum of Rs.12,00,000 (Rupees Twelve Lakhs Only) to the Party of the Second Part and the Party of the Second Part accepts the said Rs.12,00,000 (Rupees Twelve Lakhs Only) as full and final Settlement.

2. The Party of the First Part states that at the time of entering this Memorandum of Understanding and filing Divorce by way mutual Consent Petition U/s 13 (B) of Hindu Marriages Act before the Hon'ble Principal Family Court at Chennai or at the time of giving consent for granting Divorce in O.P.No.1731 of 2021 before the Hon'ble II Additional Family Court he undertakes to make a part payment a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of Demand Draft in Canara Bank, Karungalpalayam, Erode bearing D.D.No.319521 dated 06.04.2022 drawn in favor of the Party of the Second Part.

3. Subsequently the party of the first part agrees to pay 7,00,000/- (Rupees Seven Lakhs Only) by way of Demand Draft in Canara Bank, Karungalpalayam, Erode bearing D.D.No.319524 dated 06.04.2022 drawn in favor of the Party of the Second Part at the time of the Party of the Second Part giving her consent for Quashing of the FIR pending on the file of the Inspector of Police, All Womens Police Station, M.K.B.Nagar, Chennai in Cr.No.18 of 2021 U/s 498(A), 323 and 506 (ii) of I.P.C. and thus he had paid the full and final settlement to the party of the Second Part.

4. The Party of the Second Part hereby undertakes that she without any prejudice will withdraw all the allegations made against the Party of the First Part and his parents and their representatives in the petitions and complaint. Both the Parties agree that they will not interfere in each other's life and there is no claims in between them except the full and final settlement of Rs.12,00,000/- (Rupees Twelve Lakhs Only) to be paid by the Party of the first Part to the Party of the Second Part.

5. The Parties state that, there are no



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claims against each other regarding Gold Jewels, Silver articles, dresses or consumer goods etc. The Party of the Second Part undertakes that she will not claim any Alimony or maintenance for her from the Party of the First Part except the sum of Rs.12,00,000 (Rupees Twelve Lakhs only) as full and final Settlement.

6.The Parties state that they will cooperate with each other for filing, advancing and disposal of the mutual consent Petition filed together for Divorce.

7.This Deed of Memorandum of Understanding is executed voluntarily without any coercion force or fraud and on the parties own will and accord and after understanding the contents of this MOU and signed before the undersigned witnesses."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No.18 of 2021 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 Gujarat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quash the proceedings in Crime No.18 of 2021.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.18 of 2021 pending on the file of the AWPS, MKB Nagar, Chennai is quashed and the Memorandum of Understanding dated 07.04.2022 shall form part and parcel of this order.

*Xerox copy of the Memorandum of Understanding dated 07.04.2022 is enclosed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

jas/tsh

To

1.The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai.



2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Mohamed Riyaz, Advocate SR.No.24646

+lcc to Mr.M.Rajavelu, Advocate SR.No.24485

Cr1.O.P.No.8299 of 2022

RP(CO)
CB(28/04/2022)