



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8446 of 2022

1.Ganesh Babu
2.Pachaiyappan
3.Jaya Bharathi
4.Iswarya

...Petitioners/A1 to 4

-Vs-

1.The State rep by its,
The Inspector of Police,
All Women Police Station,
Ranipet, Vellore District.
(Crime No.18 of 2020)

...1st Respondent/Complainant

2.Veenasri

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to the FIR in Cr.No.18 of 2020 on the file of All Women Police Station, Ranipet, Vellore District, and quash the same.

For Petitioners : Mr.S.Senthilnathan

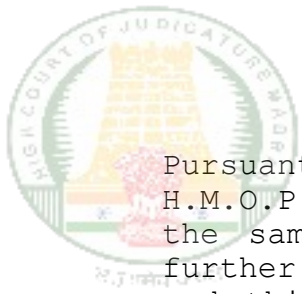
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the FIR in Cr.No.18 of 2020 on the file of All Women Police Station, Ranipet, Vellore District, 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 learned counsel for the petitioner would submit that the matter arises out of matrimonial dispute. He would submit that the matter has been compromised between the parties.



Pursuant to which divorce application has also been filed in H.M.O.P.No.50 of 2022 before the Subordinate Judge, Ranipet and the same is posted on 26.09.2022. The learned counsel would further submit that the first petitioner is husband the second and third petitioners are in-laws and the fourth petitioner is the sister of the first petitioner. However, he would submit that due to some illness, the fourth petitioner is not present before this Court.

4. The learned Additional Public Prosecutor would submit that a complaint given by the second respondent/defacto complainant a case in Cr.No.18 of 2020 for the offences under Section 323 of IPC, 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and 4 of Dowry Prohibition Act, 1961. He would further submit that the case is still in the stage of investigation.

5.A Joint Compromise Memo has been filed before this Court, which have been signed by the petitioners 1 to 3 and the second respondent/defacto complainant and also by their respective counsel. The petitioners 1 to 3 and the 2nd respondent/defacto complainant 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 Joint Compromise Memo is extracted hereunder:-

"1.It is submitted that the respondent police have registered a case against the petitioners in Cr.No.18 of 2020 on the complaint given by the wife of the 1st petitioner for offences punishable under Section 323 of I.P.C, Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Dowry Prohibition Act, 1961.

2.It is submitted that the Defacto Complainant / 2nd respondent herein is the wife of the 1st petitioner. The 2nd petitioner is the father-in-law, the 3rd petitioner is the Mother-in-law and the 4th petitioner is the Sister-in-law, of the Defacto Complainant/2nd respondent herein.

3.It is submitted that the marriage between 1st petitioner and the 2nd respondent herein was solemnized as per Hindu rites and customs on 09.02.2017 at A.R.S.Moondrezuthu Mahal, N.H. Bypass Road, Ranipet. The said marriage was registered in Serial Number of Marriage: 65 of 2017 before the Joint Sub Registrar-IV, Kancheepuram.



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4.It is submitted that 2nd respondent herein out of sudden outburst lodged a police complaint on 06.10.2020 before the respondent police in Cr.No. 18 of 2020 alleging ill treatment and harassment in her matrimonial home against the petitioners herein. But however the 1st petitioner and the 2nd respondent herein are living separately since 14.07.2019.

5.It is submitted that in the mediation talks a Deed of Compromise dated 29.10.2020 was entered into and permanent alimony was fixed at Rs.21,50,000/- (Rupees twenty-one lakh and fifty thousand only). Accordingly the 1st petitioner paid a sum of Rs.11,50,000/- (Rupees Eleven lakh and fifty thousand only) to the 2nd respondent on 29.10.2020 (Rs.11,00,000/- by Demand Draft dated 29.10.2020 bearing No.592644 drawn on Karur Vysya Bank, Kancheepuram and Rs.50,000/- by online on 29.10.2020). Further the 1st petitioner has paid the balance amount of Rs.10,00,000/- (Rupees Ten lakhs only) to the 2nd respondent by Demand Draft bearing no.593877 dated 22.03.2022 drawn on Karur Vysya Bank, Kancheepuram. Thus the entire permanent alimony amount of Rs.21,50,000/- has been fully paid by the 1st petitioner to the 2nd respondent herein.

6.It is submitted that the 1st Petitioner and the 2nd Respondent filed mutual consent divorce petition under Section 13B of Hindu Marriage Act, 1955 before the Subordinate Judge, Ranipet on 24.03.2022 and the same was numbered as H.M.O.P.No.50 of 2022 and the final hearing was posted on 26.09.2022. An application in I.A.No. 3 of 2022 was filed in H.M.O.P.No.50 of 2022 to waive the statutory period of 6 months and the same was allowed by learned Judge on 12.04.2022 and both the 1st petitioner and 2nd respondent herein were examined in the Mutual consent Divorce case. On 19.04.2022 the learned Subordinate Judge, Ranipet, passed orders in H.M.O.P.No.50 of 2022 granting divorce to the 1st petitioner and 2nd respondent herein. Thus, the entire matrimonial issues are fully settled and hence the FIR has to be quashed.

7.It is submitted that the defacto complainant /2nd respondent herein has filed



consent affidavit to quash the FIR in Cr.No.18 of 2020 on the file of this Hon'ble court.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings in Cr.No.18 of 2020 pending on the file of the first respondent, 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 Cr.No.18 of 2020.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr.No.18 of 2020 on the file of the All Women Police Station, Ranipet, Vellore District, is quashed and the Joint Compromise Memo dated 21.04.2022 shall form part and parcel of this order.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1.The Inspector of Police,
All Women Police Station,
Ranipet, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Senthilnathan, Advocate SR. No. 27642

Cr1.O.P.No.8446 of 2022

SV (CO)
PR (12/05/2022)