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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.10097 of 2022

and

Crl.M.P.No.5960 of 2022

1. Dr.S.K.Annop

2. N.Sampath

.. Petitioners

Vs

State Represented by

1. The Inspector of Police,
Erode Taluk Police Station
Erode District

2. D.Dhivya Sharona

.. Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with FIR in Crime No.362 of 2021 dated 14.08.2021, on the file of the 1st respondent, Erode Taluk Police Station, Erode District and quash the same.

For Petitioners : Mr.Isaac Mohanlal for
M/s.Isaac Chambers

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

ORDER

This Criminal Original Petition has been filed to call for the records in connection with FIR in Crime No.362 of 2021 dated 14.08.2021, on the file of the 1st respondent/Police and quash the same.

2. 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.



3.The case of the prosecution is that the first petitioner married the second respondent/defacto complainant in the year 2011 and the first petitioner had demanded a sum of Rs.10 lakhs from the defacto complainant and the same was deposited in FD account and a sum of Rs.5 lakhs was given in cash. After the birth of their daughter in 2013, the first petitioner started harassing the second respondent/defacto complainant and had minimal visit to her. The second respondent/ defacto complainant when came to know about the illegal relationship of the first petitioner, questioned him, but there was no answer. After several attempts by the defacto complainant to settle the dispute amicably, there was no response. Therefore, the defacto complainant decided to take care of herself and her belongings. But the first petitioner vacated the house when he was questioned about the defacto complainant's belongings, he promised to return the same in the month of February 2021, but failing which, the defacto complainant given a complaint to the first respondent and the same was registered in Crime No.362 of 2021 dated 14.08.2021, on the file of the first respondent police. Hence this petition.

4.The learned counsel for the petitioners would submit that the 1st petitioner is the husband and 2nd petitioner is the father-in-law of the 2nd respondent/de-facto complainant. He would further submit that the matter has arisen out of matrimonial dispute. Due to intervention of elders, wellwishers and family members, the matter has been compromised between the parties and the articles have also been exchanged by both the parties. Hence, he seeks to quash the First Information Report.

5.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that based on the complaint given by the 2nd respondent/de-facto complainant, a case in Crime No.362 of 2021 for the offences under Sections 498(A), 406, 420 and 506(i) of IPC, was registered against the petitioners.

6.The learned counsel appearing for the 2nd respondent/de-facto complainant would submit that the matter has been compromised between the parties and the articles have also been exchanged by both the parties. He would further submit that the 2nd respondent/de-facto complainant does not want to proceed with the complaint further.

7.The parties have compromised the matter and also filed a Joint Memo of Compromise before this Court, which have been signed by the petitioners and the second respondent and also by



their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the respondent Police and their respective counsel. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the Joint Memo of Compromise is extracted hereunder :-

2.Owing to matrimonial dispute, the 2nd party lodged a criminal complaint against the 1st party in Crime No.362 of 2021 dated 14.08.2021 on the file of the Erode Taluk Police Station, Erode for alleged offences under Sections 498(A), 406, 420 and 506(i) of IPC.

3.Now the parties, after a great deal of deliberation between them through compromise talks in the presence of elders of their respective families, have amicably settled all their disputes and enter into this Memorandum of Compromise.

4.Both Dr.S.K.Anoop and Dr.D.Dhivya Sharona wholeheartedly decide to dissolve the bond of their marriage and hereafter live separately and undertake to file appropriate Divorce Petition seeking divorce on mutual consent before the Family Court at Erode on or before 15th June 2022 so as to get a Decree of Divorce at the earliest dissolving their marriage solemnized on 18.11.2010.

5.The 2nd party hereby declares that she does not want to prosecute any further the criminal complaint against the 1st party in Crime No.362 of 2021 on the file of the Erode Taluk Police Station, and she agrees that the 1st party may file necessary petition in this Court seeking to quash the said criminal proceedings, and she would extend all support for the quashing thereof without any conditions.

6.Both parties agree to present themselves in person before the said Court/Courts, whenever required, for the purpose of the Divorce Petition as well as the Criminal Quash proceedings.

7.Today, the 1st party has returned to the 2nd party 78.5 sovereigns of Gold Jewels (12 in number) belonging to the 2nd party. She received the same and acknowledged it in the presence of the witnesses signed herein. The 2nd party further agrees to give to the 2nd party 19 sovereigns of gold coins on or before



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the 31st of May 2021. The 2nd party hereby declares that she will have no further claims in this respect.

8.The 1st party agrees to return to the 2nd party the Fixed Deposit amount of Rs.5,00,000/- with TN Mercantile Bank, Kanjampuram Branch, Kanyakumari District under deposit receipt C.No.0202397 dated 30.06.2011 together with the entire interest accrued thereon, as soon as the account is de-frozen for operations.

9.The 2nd party also accept that she has received her house holds articles (List attached) from the 1st party and agrees that no other articles belonging to her are left in the possession of the 1st party, and acknowledged the same in the presence of the witnesses signed herein, and she will have no further claims in this respect.

10.The 2nd party has returned to the 1st party two sovereigns of gold jewels (list annexed) belongings to Dr.Anoop and the 1st party also acknowledges the receipt of the same today in the presence of the witnesses signed hereunder, and declares that they will not have any further claims in this respect at any point of time.

11.Both the parties agree that their minor daughter A.Diya Rachael will remain in the custody and guardianship of the 2nd party till she attains the age of majority and the 2nd party shall guard, nurture and maintain the daughter with good care by giving proper education and providing congenial atmosphere for her social, moral and spiritual growth.

12.Dr.S.K.Anoop hereby agrees to deposit a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) in favour of the minor daughter A.Diya Rachael on the following terms:

(a) Dr.S.K.Anoop Shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) on the date of filing of the petition for Divorce and a further sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) on or before the date of Final Decree of Divorce.

(b)The said deposit is made only for the welfare of the minor daughter A.Diya Rachael and she shall utilize the same after she attains the age of majority for her education and towards her matrimonial expenses.

(c)In case of any emergent need before she



13. Dr. S.K. Anoop shall have the right of visitation to visit the daughter A. Dia Rachael and also the right to give gifts and extend all other supports to her all through her life. Visitation shall be in any common place convenient to both parties, preferably in a Church premise with at least two days advance intimation to Dr. D. Dhivya Sharona, till the daughter attains the age of majority. It shall be the responsibility of Dr. D. Dhivya Sharona to make available the daughter at the place and at the time as agreed by both. After attaining the age of majority, it shall be solely at the discretion of the daughter.

15. In view of the sound financial status of the 2nd party, she declares that she does not want any alimony, maintenance or any other financial or other held from the 1st party and that she will not make any claim or demand in that regard at any point of time in future.

8. 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 First Information Report in Crime No.362 of 2021.

<https://hcservices.ecourts.gov.in/hcservices/>



allowed and as a sequel, the proceedings in Crime No.362 of 2021, on the file of the first respondent police is quashed and the joint compromise memo dated 22.04.2022, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is also allowed.

* Xerox copy of the Joint Compromise Memo is enclosed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gsk/drm

To

1. The Inspector of Police,
Erode Taluk Police Station,
Erode District.
2. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.Isaac Chambers, Advocate, S.R.No.30318

Cr1.O.P.No.10097 of 2022
and
Cr1.M.P.No.5960 of 2022

RP(CO)
SU(06/05/2022)