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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.11222 of 2022

and

Crl.M.P.No.6447 of 2022

1.Munisraajha

2.R.Kathiravan

...Petitioners

Vs.

1. The State Rep.
Sub Inspector of Police,
Perambalur Police Station,
Perambalur - District.
Crime No.1661 of 2020.

2. C.Rathna

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the FIR in Crime No.1661 of 2020 on the file of the 1st respondent police and quash the same.

For Petitioners: Mr.A.Tamilvanan

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

O R D E R

The Criminal Original Petition has been filed to call for the records in Crime No.1661 of 2020 on the file of the first respondent police and quash the FIR against the petitioners.

2.The case of the prosecution is that the defacto complainant/2nd respondent lodged complaint against the petitioners herein on the allegation that the defacto complainant herein who is working in Armed Police Department was having friendly relationship with 1st petitioner herein, who is also working in the Armed forces. The 1st petitioner developed one sided love affair with the defacto complainant and it is alleged that 1st petitioner used to force the defacto complainant to marry him, and that 1st petitioner refused to marry him. The



fact being so, on 11.06.2020, when the defacto complainant while reporting to duty the 1st petitioner behaved in a rude manner and outraged her modesty and made life threat against the defacto complainant to marry him. The defacto complainant complained to the Inspector of Police, Anti Child Trafficking Unit Inspector, Perambalur, regarding the incident and during the enquiry on the complaint, either side had made a written undertaking that both of them would lead independent life and there won't be any interference in the others' life. As such the said complaint was closed based on the mutual undertaking given by either side. Subsequent to that it is alleged that on 13.06.2020 some post was posted in the facebook, the defacto complainant suspected that the 1st petitioner joining hands with the 2nd petitioner had posted the said in the facebook, hence the present complaint came to be lodged on suspicion.

3.The learned counsel for the petitioner submitted that as per the allegation in the FIR the defacto complainant alleged that only on suspicion the impugned FIR came to lodged as against the petitioners. He further submitted that the defacto complainant and the 1st petitioner had parted from their friendly relationship and they are leading their own independent matrimonial life. The defacto complainant who had lodged a complaint on suspicion has decided to settle the matter amicably. Hence, the petitioner has filed this petition to quash the FIR in Crime No.1661 of 2020.

4.The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5.The Affidavit dated 20.04.2022 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent were also present before this Court and they were identified by Mr.M.Elaiyaperumal, Special Sub Inspector of Police, Perambalur, who was also present at the time of hearing. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and it is made part of the record. In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.1161 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, some of 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., inclined to quash the First Information Report in Crime No.1661 of 2020.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1661 of 2020, on the file of the 1st respondent police, is quashed and the terms of the affidavit dated 20.04.2022 shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

*Xerox copy of Affidavit of
2nd Respondent dated 20.04.2022
enclosed herewith.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Sub Inspector of Police,
Perambalur Police Station,
Perambalur - District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Tamilvanan, Advocate, S.R.No.36347

Cr1.O.P.No.11222 of 2022

AK-II(CO)
RGA(06/07/2022)