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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9130 of 2021

and

Crl.M.P.No.6292 of 2021

Ramamani

...Petitioner/A2

Vs.

1. State rep by the
The Inspector of Police,
All women Police Station,
Ambattur, Chennai.

2. S.Vaishnavi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.1 of 2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
Mr.P.B.Saravanan for R2

O R D E R

The Criminal Original Petition has been filed to call for the records in Crime No.1 of 2021 pending 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 learned counsel for the petitioner would submit that the petitioner is the mother-in-law of the 2nd respondent/ de-facto complainant. He would further submit that the matter has



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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 and the divorce has also been granted in O.P.No.975 of 2021 before the IV Additional Family Court, Chennai. He would further submit that the son of the petitioner has filed an application to quash the First Information Report based on the compromise. Hence, he seeks to quash the First Information Report in respect of all the accused.

4.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.1 of 2021 for the offences under Sections 498(a) and 506(i) of IPC and Section 4 of the Dowry Prohibition Act 1961 was registered against the petitioner and her son. He would further submit that the investigation has been completed and the final report has been filed and the case has been taken on file in C.C.No.96 of 2021 on the file of Judicial Magistrate, Ambatur .

5.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 further.

6.The parties have compromised the matter and also filed a Joint Memo of Compromise before this Court, which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner 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 :-

'1.It is submitted that the petitioner filed the above mentioned CrI.O.P.No.9130 of 2021 before the High Court of Madras to quash the FIR in Crime No.1 of 2021 on the file of the 1st respondent Police. The complaint which led to the said FIR was lodged on account of a family dispute between the de-facto complainant and the petitioner's son.

2.It is submitted that on the otherhand, the de-facto complainant initiated a divorce petition against the petitioner's son in O.P.No.975 of 2021 before the IV Additional Family Court, Chennai.



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3.It is submitted that during the pendency of the present CrI.O.P the petitioner's son and the de-facto complainant decided to settle the matter amicably, where both the parties mutually agreed to return the articles which were exchanged at the time of the marriage and the petitioner's son had paid Rs.26,50,000/- (Rupees Twenty Six Lakhs Fifty Thousand only) to the de-facto complainant on account of the marriage expenses and towards maintenance, and the de-facto complainant is inclined to withdraw the complaint in Crime No.1 of 2021 on the file of the 1st respondent Police and also had withdrawn the divorce petition filed in O.P.No.975 of 2021 before the IV Additional Family Court, Chennai.

4.It is submitted that all the above stated terms were mutually agreed upon by both the parties in presence of their respective counsels as per the directino of this Hon'ble Court and thereafter the petitioner's son and the 2nd Respondent got separated by obtaining divorce by mutual consent by order dated 23.11.2021 on the file of the Hon'ble IV Additional Family Judge at Chennai in H.M.O.P.No.4252 of 2021.

5.It is submitted that, since their marital life was not peaceful, out of frustration the 2nd Respondent lodged the above complaint against the Petitioner and her son before the 1st Respondent police at the heat of the moment due to the weariness and frustration towards her marital life. To that effect, the 2nd responde tis now inclined and consent to withdraw the above said complaint lodged befoe the 1st Respondent police which was registered as Crime No. 1 of 2021 28.01.2021, as the 2nd Respondent was not willing to proceed with the complaint and the same was also communicated to the 1st Respondent Police''.

7.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.1 of 2021.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.1 of 2021 on the file of the 1st respondent Police, is quashed



in respect of all the accused and the terms of joint compromise memo dated 26.04.2022 shall form part and parcel of this order.

*Xerox copy of Joint Compromise Memo dated 26.04.2022 enclosed herewith.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vkr/nti

To

1. The Inspector of Police,
All women Police Station,
Ambattur, Chennai.
2. The IVth Additional Judge,
The Ivth Additional Family Court,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.G.Mohanakrishnan, Advocate, S.R.No.28922

Cr1.O.P.No.9130 of 2021
and
Cr1.M.P.No.6292 of 2021

(CO)
RGA(27/05/2022)