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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16151 of 2020

and

CrI.MP.No.6199 of 2020

1.Sudha

2.Parvathi

3.Palanikarthick

4.Ushalakshmi

5.Mathavan

... Petitioners

Vs.

1.The State of Tamil Nadu,

Rep by its Inspector of Police,

P1, Tiruvallur Town Police Station,

Tiruvallur.

(Crime No.426 of 2019)

2.B.Lenin Selvanayagam

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C praying to call for the records relating to the proceedings in crime No.426 of 2019 on the file of the first respondent herein and to quash the same.

For Petitioners : Mr. Ajoy Kumar Gnanam

For R1 : Mr.Santhosh
Government Advocate (CrI. Side)

For R2 : Mr.M.Kathirvel

ORDER

B.Lenin Selvanayagam S/o T.K.Bose made a complaint against Sudha D/o U.Subbiah Pandi, Parvathi W/o U.Subbiah Pandi, Palanikarthik S/o Jawahar, Ushalakshmi W/o Palainikarthik, Mathavan S/o Subiyapandi alleging offences under Section 147, 148, 294(b), 323, 324 and 506(i) of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002. Based on the complaint, the respondent police has registered an FIR in



Crime No.426 of 2019 dated 18.09.2019, on receipt of summons the said Sudha, Parvathi, Palanikarthik, Ushalakshmi, Mathavan are arrayed as accused filed petition for quash under Section 482 of Cr.P.C.

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2. The said petition was numbered as Crl.O.P.No.16151 of 2020. The primary allegation as found in the complaint is that due to matrimonial dis-regard between the defacto complainant and the first petitioner(Sudha) the case in crime No.426 of 2019 came to be filed.

3.The parties have now arrived at a compromise and have settled their disputes. Hence, they have come forward to file a joint memo to record the compromise and quash the FIR in Crime No.426 of 2019 pending on the file of the P1, Tiruvallur Town Police Station, Tiruvallur. The Joint compromise memo read as follows;

3.It is humbly further submitted that the 1st petitioner is the wife of the 2nd respondent; the 2nd petitioner is the mother of the 1st petitioner, the 3rd petitioner is the brother-in-law of the 1st petitioner and the 4th petitioner is the sister of the 1st petitioner and the 5th petitioner is the brother of the 1st petitioner. There were matrimonial disputes between the petitioners and the 2nd respondent. The 2nd respondent had filed a H.M.O.P. No. 1849/2020 to declare the marriage held between the 1st petitioner and the 2nd respondent as null and void and the 1st petitioner had filed a H.M.O.P.No.1845/2020 for restitution of conjugal rights and both the cases were pending before the Hon'ble II Additional Family Court, Chennai and the 1st petitioner had filed domestic violence complaint in D.V.No.32/2019 against the 2nd respondent and his parents on the file of the Hon'ble Jucial Magistrate, Ambattur.

4.It is humbly further submitted that while facts being so, the 1st petitioner and the 2nd respondent agreed to settled their issues amicably. Accordingly, both entered into a Memorandum of Understanding dated 19.04.2021. As per the terms and conditions of the MOU both exchanged their articles to each other and there is no claim against each other and the 2nd respondent withdraw his nullity petition in O.P.No.1849/2020 on 29.04.2021 and the 1st petitioner withdrew her conjugal rights petition in O.P.No.1845/2020 on 16.02.2021 and her domestic violence complaint in D.V.No.32/2019 on 30.04.2021. And both has filed mutual divorce petition



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in O.P.No.3018/2021 which is pending before the Hon'ble II Additional Family Court, Chennai. The 2nd respondent has agreed in the MOU to give his consent to quash the FIR filed against the petitioners herein in crime No.426 of 2019 on the file of the first respondent herein after taking evidence in the above said mutual divorce petition in O.P.No.3018/2021 pending before Hon,ble II Additional Family Court, Chennai. Both are going to take evidence in above mutual divorce petition in OP.No. 3018/2021 on 18.08.2021.

5.It is humbly further submitted that the matter between the 1st petitioner and the 2nd respondent has been amicably settled. Hence, both the parties are filing this Joint Compromise Memo to quash the FIR in Crime No.426 of 2019 on the file of the first respondent herein.

4.Today, the parties concerned are present and expressed their desire to give quietus to the criminal case pending under investigation. Being satisfied that the parties have arrived at a compromise, there is no necessity to pursue the complaint. This Court quashes the complaint pending in crime No.426 of 2019 on the file of the Inspector of Police P1, Tiruvallur Police station. Tiruvallur. Consequently, connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Vv/pbl

To

1.The Inspector of Police,
Government of Tamil Nadu,
P1, Tiruvallur Town Police Station,
Tiruvallur.

2.The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.Ajoy Kumar, Gnanam, Advocate Sr.30169

Crl.OP.No.16151 of 2020

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srg 16/05/2022