



Crl.O.P.No.22145 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.12.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.22145 of 2019 and
Crl.M.P.No.11490 of 2019

1.Nithinchand
2.Ramachandran
3.Premalatha
4.Nikilchand ... Petitioners

/vs/

1.The State,
Rep by its Inspector of Police,
AWPS-Thudiyalur,
Coimbatore.
(FIR No.28 of 2019)

2.Suryapriya ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records of the proceedings in FIR No.28 of 2019 on the file of the first respondent police and to quash the same as illegal and without jurisdiction.

For Petitioners	...	Mr.R.Harikrishnan for Mr.Govind Chandrasekhar
For Respondents	...	Mr.A.Gopinath, Govt. Advocate (Crl.Side) for R1



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ORDER

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This Criminal Original Petition has been filed to call for the records of the proceedings in FIR No.28 of 2019 on the file of the first respondent police and to quash the same as illegal and without jurisdiction.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The petitioners are the accused 1 to 4 in the case in Crime No.28 of 2019 on the file of the All Women Police Station. The defacto complainant was the wife of the first petitioner and they got married on 16.04.2014. Subsequent to their marriage, they developed a misunderstanding between themselves and the defacto complainant has filed a petition for divorce on the ground of cruelty in HMOP No.94 of 2018, on the file of the Sub Court, Mettupalayam.

3.1. When the said HMOP was pending, the first petitioner had filed some Interlocutory Applications in I.A.Nos.8,9,10 of 2020 for seeking translated copy of the petition filed for divorce, to recall P.W.1 for cross



examination and also to permit him to file an additional counter statement.

Those petitions have been disposed on the basis of the memorandum of agreement entered into between the first petitioner and the defacto complainant on 01.02.2022 and consequent to that, this Court has exercised its power under Article 227 of the Constitution of India and allowed the main petition in HMOP No.94 of 2018 itself and passed a decree for divorce. The decree has been passed on the basis of the joint compromise entered into between the parties. In the joint compromise, the defacto complainant has also stated that she would not have any objection to let the case in Crime No.28 of 2019 to be quashed, in view of the order of divorce being granted to her.

4. Though the terms of joint compromise is not available before this Court, the order of this Court dated 14.02.2022 made in CRP (PD) Nos.1856 to 1858 of 2021 speaks about the same as under:

“5. It is needless to state that since divorce has been granted the wife shall comply with the terms set out in paragraph Nos.5 (iii) , 5 (iv) and 5(v), which are as follows:

iii. As soon as the divorce is granted, the first party



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will have no objection to the quashing of the F.I.R. in Cr.No.28/2019 u/s 498[A], 323, 506[1] of the IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, pending on the file of the Inspector of Police, All Women Police Station, Thudiyalur, Coimbatore and the first party shall, through video conferencing mode, appear in the High Court and give her ?no objection? for the quashing of the F.I.R. in Cr.No.28/2019 u/s 498[A], 323, 506[1] of the IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, pending on the file of the Inspector of Police, All Women Police Station, Thudiyalur, Coimbatore.

iv. In view of the amicable settlement talks now finalised, the first party shall also withdraw the Domestic Violence case bearing D.V.A.No.15 of 2018 on the file of the Judicial Magistrate, Mettupalayam, Coimbatore District.

v. Both parties forfeit any demands for financial claims or property claims or any other monetary demand or otherwise, from either side on any aspect touching their marriage.? ”

5. Since the defacto complainant herself had agreed to purchase peace with the first petitioner after dissolving their marriage by virtue of a valid decree of the Court, I feel the other disputes pending between the parties can



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also be brought to an end. This will enable the couple to part their way peacefully and opt their own choice of life without having any hindrance from each other.

6. In view of the above stated reasons, this Criminal Original Petition is allowed and the proceedings in FIR No.28 of 2019 on the file of the first respondent police is quashed. Consequently, connected miscellaneous petition is closed.

12.12.2022

Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai 600 054.

2.The Public Prosecutor,
High Court, Madras.

R.N.MANJULA ,J.



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