



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

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CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.24923 of 2021

1.R.Nithinchanth
2.Ramachandran
3.Premalatha

...Petitioners/Accused 1 to 3

-Vs-

1.State rep by,
The Inspector of Police,
AWPS-Thudiyalur Police Station,
Coimbatore District.
(Crime No.28 of 2019)

...1st Respondent/Complainant

2.Suriyapriya

..2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records pertaining FIR in Crime No.28 of 2019, pending on the file of the AWPS, Thudiyalur Police Station, Coimbatore and quash the same.

For Petitioners : Mr.M.Mohamed Riyaz
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1
Mr.Amizhdhu Sasi Kumar for R2

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.28 of 2019, on the file of the respondent police, for the offences punishable under Sections 498(A), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.A Memorandum of Agreement has been filed before this Court, which have been signed by the first petitioner and the second respondent/defacto complainant. The first petitioner is present before this Court and he is identified by his counsel. The second respondent/wife appeared before this Court through video conference. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The joint memorandum of agreement is extracted hereunder :-

"(i) In mutual consideration of the parties hereto to get necessary matrimonial relief to divorce from the Court, the parties hereto agree to mutually agree and consent that their marriage solemnised on 16.04.2014 as per Hindu rites and customs at J M Mahal, Manali, Palakkad, be dissolved through mutual consent in accordance with Section 13(b) of the Hindu Marriage Act.

(ii) The second party shall forth withdraw the Civil Revision Petitions bearing Nos.1856, 1857 and 1858 of 2021 as and when the cases come up for hearing.

(iii) As soon as the divorce is granted, the first party will have no objection to the quashing of the F.I.R in Cr.No.28/2019 u/s 498(A), 323, 506(i) of the IPC and Section 4 of Tamil Nadu 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(i) of the IPC and Section 4 of Tamil Nadu 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 respect touching their marriage.



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(vi) Both parties including their respective family members agree and forfeit their right to initiate any further new litigations claiming damages or compensation for any sufferings, agony or pain, that they might have endured during the pendency of the above said proceedings on the pretext that they have been wrongly implicated in the cases.

(vii) Both parties henceforth unanimously resolve to peacefully live their own lives without disturbing each other."

4. The learned counsel for the petitioner would submit that 2nd respondent/wife had filed H.M.O.P.No.94 of 2018 on the file of the Sub Court, Mettupalayam, for divorce. Pending HMOP, the first petitioner/husband had filed three I.As in IA.Nos.8, 9 and 10 of 2020, since, they were dismissed, the first petitioner/husband had preferred CRP.Nos.1856, 1857 and 1858 of 2021 before this Court. During the pendency of the CRPs, the parties have arrived at amicable settlement, pursuant to which, they have also entered into a memorandum of agreement dated 01.02.2022, based on which their matrimonial dispute has been settled between the parties.

5. 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. 360 of 2019.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 28 of 2019, on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



jas/tsh
To

1. The Inspector of Police,
AWPS-Thudiyalur Police Station,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.Amizhdhu Sasi Kumar , Advocate sr 9958

+1 CC to Mr.M.Mohamed Riyaz, Advocate sr 9638.

Crl.O.P.No.24923 of 2021

BR(CO)
SP(14/03/2022)