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Crl.O.P.No.26089 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 02.11.2022

CORAM

THE HONOURABLE MS. JUSTICE R.N. MANJULA

Crl.O.P.NO. 26089 OF 2022

Srinivasan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
represented by the Inspector of Police,
Ambur Taluk Police Station,
Thiruppathur.

2. Thratchiga. R

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the proceedings in Crime No.202 of 2022 on the file of the 1st respondent police and to quash the same as illegal.

For Petitioner: Mr. R. Harikrishnan
For Respondent: Mr.E. Raj Thilak, APP – R1

ORDER

This petition is filed to call for the records of the proceedings in Crime No.202 of 2022 on the file of the 1st respondent police and to quash the same as illegal.

2. On the complaint given by the 2nd respondent, a case has been



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registered against the petitioner in Crime No.202 of 2022 for the offence under sections 498(A), 406, 342, 323, 324, 506(2) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

3. When the matter is taken up today, the learned counsel for the petitioner submitted that the petitioner and the 2nd respondent are husband and wife and they have opted to settle their difference of opinion and got rejoined.

4. A consent affidavit of the 2nd respondent dated 8.10.2022 is filed before this Court and from the affidavit, it is seen that the 2nd respondent is willing to live with her husband who is the petitioner herein by ironing out their differences.

5. The petitioner and the defacto complainant are present in person before the Court and they were identified by Mr.M.Venkatesan, SSI 296, Ambur Taluk Police Station, Thirupattur District.

6. When enquired, both the petitioner and the 2nd respondent have stated that there is no problem at present between themselves and all the problems that occurred earlier were due to the interference of some third parties. She further stated that she had signed the consent affidavit without any coercion or influence.



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7. Even though some of the offences are non compoundable in nature, taking into consideration of the relationship between the petitioner and the 2nd respondent and their endeavour to live peacefully by rejoining, I feel it is appropriate to invoke the powers of this Court under section 482 of Cr.P.C., to quash the proceedings. The offences alleged to have been committed are personal in nature and the petitioner does not have any criminal antecedents.

8. In view of the above stated reasons, this Criminal original Petition is allowed and the FIR in Crime No.202 of 2022 on the file of the 1st respondent is quashed and the consent affidavit of the 2nd respondent shall form part of the order.

Index: Yes/No
Speaking / Non Speaking Order
msr

02.11.2022

To

1. The Inspector of Police,
Ambur Taluk Police Station,
Thiruppathur.

2. The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

msr

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