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Crl.O.P.No.27465 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.27465 of 2022

1.Arun Jude Amalaraj

2.Kala Amalaraj

...

Petitioners

Vs.

1.The State

Rep.by the Inspector of Police,
Thudiyalur Police Station,
Coimbatore,
Crime No.274 of 2019.

2.Aarthi Arun Jude Amalaraj

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.274 of 2019 on the file of the Inspector of Police, Thudiyalur Police Station, Coimbatore and quash the same.

For Petitioner : Mr.K.Sukumaran

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed to call for the records in Crime No.274 of 2019, on the file of the Inspector of Police, Thudiyalur Police Station, Coimbatore and quash the same.

2.In this case, FIR was registered in Crime No. 274 of 2019, for the offences under Sections 294 (b), 323, 506 (1) IPC and Section 4 of the TN Prohibition of Harassment of Women Act, 2002. When the matter is taken up today, the defacto complainant Ms.Aarthi appeared in person and she was identified by the Police, Mr.K.Prabhakaran, SSI, Thudiyalur Police Station, Coimbatore District. She has also filed an affidavit, wherein, she has stated as follows:

1. I am the 2nd respondent herein and the 1 petitioner is my husband and my husband has filed the above quash petition to quash the FIR in Crime No. 274 of 2019 on the file of the Inspector of Police, Thudiyalur Police Station, Coimbatore.

2. I submit that me and my husband have resolved our disputes amicably due to the intervention of the well-wishers and also taking into consideration of the welfare of



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our Minor children and accordingly, we have filed the consent terms for divorce by mutual consent in M.J. Petition No. A-2981 of 2018, on the file of the Family Court at Bandra, Mumbai.

3. I submit that as provided under Clause 4 and 5 of the said consent terms, my husband has approached this Hon'ble Court by invoking the inherent powers of this Hon'ble Court under Section 482 of Cr.P.C to quash the FIR. By taking into consideration of the settlement amongst ourselves, there is no point in proceeding with the investigation in Crime No. 274 of 2019 and on that premises, the above quash petition has been filed. This affidavit is filed voluntarily and there is no coercion or undue influence or misrepresentation in the matter of filing this affidavit before this Hon'ble Court seeking for quashing of the proceedings in Crime No. 274 of 2019, on the file of the Inspector of Police, Thudiyalur, Coimbatore.

4. I further submit that that unless this affidavit is taken into consideration and appropriate orders are passed by this Hon'ble Court, we will be put to great hardship.

I, therefore, pray that this Hon'ble Court may be



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pleased to allow the quash petition against the FIR in Crime No.274 of 2019 on the file of the Inspector of Police, Thudiyalur Police Station, Coimbatore and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

3.Perusal of the records shows that the defacto complainant and her husband filed a consent terms for divorce by mutual consent in M.J.Petition No.A-2981 of 2018, on the file of the Family Court at Bandra, Mumbai, wherein, the defacto complainant undertakes not to continue any of the proceedings arising out of the Crime No.274 of 2019 concerned in this case. She is also personally present when enquired and she reiterated that the issue between her and the accused in this case had been resolved and she does not want to proceed the case in Crime No.274 of 2019 and has no objection for quashing the proceedings against the accused. Any further continuance of this case would serve no purpose, rather, it would be a harassment to the parties.

4.In view of the same, invoking the powers of this Court under Section 482 Cr.P.C., the proceedings against the petitioners is quashed and accordingly, this Criminal Original Petition is allowed.

08.12.2022

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Internet:Yes

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Index:Yes/No

Speaking/Non speaking order

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To:

1.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore,
Crime No.274 of 2019.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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