



Crl.OP.No.26348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

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1.S.Magesh

2.M.Shalani

3.Ruthika, minor F/A14
D/o Magesh

4.HansikaPrathyeswari
minor F/A12,D/o Magesh

... Petitioners

/vs/

1.The State of Tamil Nadu,
rep by the Inspector of Police,
D-1, Triplicane Police Station,
Chindatharipet,
Chennai 600 002.

...1st Respondent / Complainant

2.R.Pavani

... 2nd Respondent/defacto complainant

Prayer : Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the FIR in Crime No.278 of 2022 on the file of the 1st Respondent and quash the same.

For Petitioners

... Mr.Charles Kamalesh M.Appaji

For Respondents

... Mr.E.Rajthilak,
Additional Public Prosecutor for R1



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ORDER

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The Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.278/2022 on the file of the 1st respondent and quash the same.

2. The learned Counsel for the petitioners submitted that the compliant has been given due to a family dispute; the defacto complainant and the petitioners/accused 1 and 2 had compromised the dispute between themselves and the defacto complainant does not wish to pursue the matter any further.

3. In this regard the parties have entered into a memorandum of understanding in which the defacto complainant had agreed to give a quietus to the disputes between themselves including a criminal complaint in crime number 278 of 2022.

4. The records would show that the complaint given by the second respondent on the allegation of missing articles from her home and a case has been registered in Crime No.278 of 2022 for the offences under Section 380 IPC. The accused were roped in the case on suspicion. The defacto complainant and the accused are relatives and they had compromised the issue between themselves and



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they have come forward now to withdraw the case.

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5. When the matter was taken up today the second respondent/defacto complainant namely R.Pavani and the petitioners Magesh, Shalini, Ruthika and HansikaPrathyeswari are present. The 3rd and 4th petitioners are minors and children of the 1st and 2nd accused and they were also added as an accused in the case.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the minor petitioners 3 and 4 are not the accused in this case and it seems that they have been impleaded in this petition out of caution.

7.However the defacto complainant and the accused 1 and 2 all are present in the Court and they were identified by the P.Kalai Selvi, Inspector of Police D1 Triplicane Police Station (Crime), Chennai.

8.When enquired, the defacto complainant and accused 1 and 2 have told that they had settled all the family disputes between themselves and the Memorandum of Understanding was executed by them without any threat and torture. Considering the relationship between the parties and their willingness to



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settle all the differences and the buried attitudes, I feel this petition may be allowed.

In view of the above stated reasons, this Criminal Original Petition is **allowed** and the FIR in Crime No.278 of 2022 pending on the file of the 1st respondent police against the petitioner is quashed as compromised. The Memorandum of understanding shall form part of the order.

01.11.2022

jrs

Internet: Yes/No

Index: Yes /No

Speaking /Non Speaking



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R.N.MANJULA, J.

jrs

To

- 1.The Inspector of Police,
D-1, Triplicane Police Station,
Chindatharipet,
Chennai 600 002.
- 2.The Public Prosecutor,
High Court, Madras.

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