



Crl.O.P No.27322 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.11.2022**

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

CRL.O.P. No.27322 OF 2022

S.Surya

... Petitioner

Vs.

1. The State rep by
The Inspector of Police,
Mangadu Police Station,
Chennai 600 056.
(Crime No.192 of 2022)

2. R.Krithika

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in Crime No.192/2022 on the file of the 1st respondent police station and quash the same.

For Petitioner : Mr.Ramesh Srinivasan
For Respondent-1 : Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This petition is filed to call for the records in Crime No.192 of 2022 on the file of the 1st respondent police station and quash the same.



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2. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the first respondent and perused the materials available on record.

3. The second respondent / defacto complainant is the wife of the petitioner. There was some domestic issues between the defacto complainant and the petitioner. It is learnt that the petitioner and the defacto complainant had dissolved their marriage by obtaining an order of dissolution of marriage by mutual consent from the IV Family Court, Chennai, in O.P.No.1444 of 2022 dated 12.07.2022. In view of that, the parties have to settle all the issues between themselves including this case. Further, the defacto complainant does not want to pursue the case any further and live in peace.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the matter has been amicably settled between the parties and they have executed a compromise memo dated 09.03.2022 and hence the proceedings pending on the file of the first respondent police in Crime No.192 of 2022 may be quashed.

5. The petitioner and the second respondent are present before



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this Court today. The petitioner and the *defacto* complainant were identified by Mr.N.Thangadurai, Sub-Inspector of Police, T-14, Mangadu Police Station (Law & Order). This Court also enquired both the parties and was satisfied that they have settled the dispute among themselves. While enquiring the second respondent, she had stated that a Compromise Memo was executed on 09.03.2022, wherein, it has been stated that the parties have dissolved their marriage and opted to proceed on their own way without troubling each other. The *de facto* complainant has stated that she had affixed her signature in the Compromise Memo without any coercion or threat. In view of the same, the *de facto* complainant has also consented to withdraw all the proceedings.

6. Taking into consideration of the long battle between the couples and their endeavour to settle all the disputes between themselves and 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 Gujrath)**, I feel it is appropriate to invoke the powers of this Court under Section 482 Cr.P.C. to quash the proceedings even though some of the offences are non-compoundable in nature.



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7. Considering the relationship between the parties and all other attending circumstances and relying on the judgment of the Supreme Court in *Ramawatar Vs. State of Madhya Pradesh* reported in *2021 SCC OnLine SC 966*, I feel the ends of justice can be secured by quashing the proceedings.

8. In the result, this Criminal Original Petition is **allowed** and as a sequel, the further proceedings in Crime No.192 of 2022 on the file of the first respondent police is hereby quashed.

24.11.2022

Index : Yes/No
Speaking Order : Yes / No
jrs



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To:

1. The Inspector of Police,
Mangadu Police Station,
Chennai 600 056.

2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

jrs

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