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Crl.O.P.No.6553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6553 of 2023

C.Mohan Pandi

...Petitioner

Vs.

1.The State represented by Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai – 600 026.
(Crime No.13 of 2016).

2.K.Jagatheswari

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.13 of 2016 pending before the respondent police, and quash the same and pass such order or other orders as this Court may deem fit and thus render justice.

For Petitioner : Mr.N.Vijayaraj

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

For R-2 : Mr.Tamilselvan



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ORDER

This Criminal Original Petition is filed to call for the records in Crime No.13 of 2016 pending before the respondent police, and quash the same.

2. Learned counsel for the petitioner submitted that First Information Report in Crime No.13 of 2016 for the offences under Section 498(A) of IPC came to be registered on the basis of the complaint given by defacto complainant/2nd respondent. It is alleged in the First Information Report that, on the promise of marriage, petitioner had sexual intercourse with defacto complainant and later refused to marry her. Thereafter, defacto complainant gave a complaint to the respondent police. On 16.07.2015, petitioner married defacto complainant. After marriage, petitioner deserted her and his child. Therefore, First Information Report is registered in that regard. Learned counsel for the petitioner submitted that, the petitioner and 2nd respondent filed a Joint Compromise Memo dated 15.03.2023. It is stated in the Joint Compromise that, the matter has been settled amicably and the petitioner and the 2nd respondent filed divorce petition in mutual consent. Therefore, he seeks for quashing the First Information Report in Crime No.13 of 2016 pending before the respondent police.



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3. The learned Government Advocate (Crl.Side) submitted that, by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise dated 15.03.2023 has been filed before this Court, which have been signed by the petitioner and the second respondent and also by the learned counsel for the parties.

5. The petitioner and the second respondent were also present in person before this Court and they were identified by **Ms.E.Geetha, W-27, AWPS, Vadapalani**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that she had entered into a Memorandum of compromise with the petitioner and she has no objection for quashing the proceedings in First Information Report in Crime No.13 of 2016 pending before the respondent police.

6. Considering the fact that, the second respondent does not want to prosecute the case against the petitioner and that she has no objection for quashment of proceedings and also considering that the offences are



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compoundable offence, no useful purpose will be served in keeping the proceedings in First Information Report in Crime No.13 of 2016 pending before the respondent police.

7. 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.13 of 2016 pending before the respondent police.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.13 of 2016 pending before the respondent police against the petitioner is quashed and the terms of joint compromise memo shall form part and parcel of this order.

29.03.2023

Internet :Yes
Index :Yes/No
gd



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To:

- 1.The Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai – 600 026.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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