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Crl.O.P.No.8343 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.8343 of 2023

R.Srihari

...

Petitioner

VS.

1 State represented by
The Inspector of Police
R8, Vadapalani Police Station
Vadapalani, Chennai.

2 K.R.Krishnamurthi

3 K.K.Bhavishya Devi

...

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to Cr.No.788 of 2021 dated 31.10.2021 pending on the file of Inspector of Police, R8, Vadapalani Police Station, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioner : M/s.G.Peranban

For Respondent-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

For Respondents-2 & 3 : M/s.P.S.Sathishkumar



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ORDER

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This Criminal Original Petition is filed for quashing Cr.No.788 of 2021 on the file of Inspector of Police, R8, Vadapalani Police Station, Chennai.

2. Learned counsel for petitioner submitted that petitioner is an accused in Cr.No.788 of 2021 registered for the offences under Section 406 IPC. The allegation made in the First Information Report against petitioner is that though he is not a qualified Doctor, claiming himself as a Doctor, he married second respondent/defacto complainant's daughter. Second respondent/defacto complainant spent huge money in organizing marriage between petitioner and his daughter. Therefore, complaint was given against petitioner for cheating second respondent and his daughter, claiming himself as a Doctor when he was not a Doctor but only a Physiotherapist.

3. When the matter is taken up for hearing, petitioner and second respondent/defacto complainant and his daughter/third respondent are present in person before this Court and filed a joint memorandum of compromise stating that due to intervention of elders and to have a peace, they have



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resolved the dispute. Petitioner, second respondent/defacto complainant and his daughter/third respondent are identified by Mr.S.Balakrishnan, Sub-Inspector of Police, R8 Vadapalani Police Station. When enquired, second respondent/defacto complainant and his daughter/third respondent reiterated that the issue between petitioner, second respondent and third respondent has been resolved and that second respondent/defacto complainant does not want to proceed further with the case against petitioner and has no objection for quashing First Information Report in Crime No. 788 of 2021.

4. Considering the facts that the parties have amicably settled the issue between them, second respondent/defacto complainant and his daughter/third respondent do not want to prosecute the case against petitioner and that they have no objection for quashment of proceedings, no useful purpose will be served in keeping the First Information Report in Crime No. 788 of 2021 pending.

5. 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)**, this Court in exercise of its jurisdiction under Section 482



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Cr.P.C., quashes the First Information Report in Crime No. 788 of 2021.

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6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 788 of 2021 on the file of the first respondent police is quashed and the terms of joint compromise memo of the parties and the consent affidavit filed by the second respondent/defacto complainant shall form part and parcel of this order.

19.04.2023

mra

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1. The Inspector of Police
R8, Vadapalani Police Station
Vadapalani, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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