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Crl.O.P.No.8046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8046 of 2023

M.Velu

...

Petitioner

VS

1.The State represented by
The Inspector of Police,
K-6, T.P.Chatiram Police Station,
Chennai – 600 010.
(Crime No.312 of 2022)

2.Jeyanthi

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records of the FIR in Crime No.312 of 2022 pending investigation on the file of the 1st respondent and quash the same and be pleased to pass such further or other orders in the circumstances of the case.

For Petitioners

...

Mr.J.Manikandan

For R-1

...

Mr.S.Santhosh

Government Advocate (crl.side)

For R-2

...

M/s.S.Gopu



Crl.O.P.No.8046 of 2023

ORDER

This Criminal Original Petition has been filed to call for the records of the FIR in Crime No.312 of 2022 pending investigation on the file of the 1st respondent and quash the same.

2. Learned counsel for the petitioner submitted that, First Information Report in Crime No.312 of 2022 was registered for the offences under Sections 294(b), 323 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioner for beating defacto complainant's son Muralitharan at about 1.30 pm on 25.12.2022. Petitioner and 2nd respondent/defacto complainant filed Joint Memo of Compromise stating that, considering the future of their children, the misunderstanding between the parties is resolved. A consent affidavit is also filed in this regard. Therefore, he seeks for quashing FIR in Crime No.312 of 2022 pending investigation on the file of the 1st respondent.

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 23.03.2023 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 Mr.Kanpath, K-6, T.P.Chatiram Police Station, Chennai – 600 010. 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 FIR in Crime No.312 of 2022 pending investigation on the file of the 1st respondent.

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 compoundable offence, no useful purpose will be served in keeping the FIR in Crime No.312 of 2022 pending investigation on the file of the 1st



Crl.O.P.No.8046 of 2023

respondent.

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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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the FIR in Crime No.312 of 2022 on the file of the 1st respondent.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.312 of 2022 on the file of the 1st respondent is quashed and the terms of joint compromise memo shall form part and parcel of this order.

17.04.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
gd

To

Page 4 of 6



Crl.O.P.No.8046 of 2023

1.The Inspector of Police,
K-6, T.P.Chatiram Police Station,
Chennai – 600 010.

2.The Public Prosecutor,
High Court, Madras.

G.CHANDRASEKHARAN, J.



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Crl.O.P.No.8046 of 2023

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