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Crl.O.P.No.11221 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.11221 of 2022 and
Crl.M.P.No.6446 of 2022

1.Ashok Kumar
2.Annapoorani
3.A.Rajakumaran
4.A.Nithya

...

Petitioners

Vs.

1.The Station House Officer,
All Women Police Station,
Villianur, Puducherry.

2.Sivapriya

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the FIR registered in Crime No.11 of 2021 against the petitioners pending on the file of the first respondent police and C.C.No.397 of 2022, on the file of the Chief Judicial Magistrate, Puducherry. (prayer amended as per order dated 10.02.2023 in Crl.O.P.No.11221 of 2022 and Crl.M.P.No.6446 of 2022)

For Petitioner : Mr.P.Malaravan
for M/s.Pondy Law Firm
For Respondent : M/s.Ramachandramurthy
No.1 Additional Public Prosecutor (Puducherry)
Assisted by Mr.A.Alexander

For Respondent : Mr.Swami Subramanian
No.2



Crl.O.P.No.11221 of 2022

ORDER

This Criminal Original Petition is filed to call for the records and quash the FIR registered in Crime No.11 of 2021 against the petitioners pending on the file of the first respondent police and C.C.No.397 of 2022, on the file of the Chief Judicial Magistrate, Puducherry.

2.The learned counsel for the petitioners submitted that the first petitioner and the second respondent/defacto complainant are husband and wife. The second respondent/defacto complainant started developing quarrel on petty issues and the disparity eventually turned up to be incompatibility between the first petitioner and the second respondent/defacto complainant. Therefore, second respondent/defacto complainant left to her parental home and never came back. The first petitioner had filed a petition for divorce in H.M.O.P.No.400 of 2021, before the Family Court, Puducherry. He further submitted that they have resolved their dispute and entered into a joint compromise memo. Therefore, it is prayed that the FIR in Crime No.11 of 2021 may be quashed on the basis of the joint compromise memo. The joint compromise memo along with the consent affidavit of the parties are also filed.



Crl.O.P.No.11221 of 2022

3.The learned Additional Public Prosecutor (Puducherry) submitted that investigation in this case is completed and final report was filed. Final report was also taken on file in C.C.No.397 of 2022, on the file of the Chief Judicial Magistrate, Puducherry and it is pending.

4.The second respondent/defacto complainant and petitioners are present before this Court. As per the joint compromise memo filed by the parties, it is seen that the parties have resolved their dispute and reached an amicable settlement. The second respondent/defacto complainant was returned with the Gold jewels. It was agreed to withdraw the case in Crime No.11 of 2021 and D.V.C.No.4 of 2022. They also agreed to file a divorce petition by mutual consent, on the first petitioner paying Rs.1,50,000/- to the second respondent/defacto complainant. Second respondent/defacto complainant has no objection for quashing this complaint for the reason that she does not want to proceed further with this case in view of the settlement reached between the parties. When enquired, she reiterated her stand that she is not proceeding with this case and that she has no objection for quashing FIR in Crime No.11 of 2021.



Crl.O.P.No.11221 of 2022

5. Therefore, this Court quashes the proceedings in C.C.No.397 of 2022, on the file of the Chief Judicial Magistrate, Puducherry and allows this Criminal Original Petition. Registry is directed to make the necessary amendment in the petition and incorporate C.C.No.397 of 2022, on the file of the Chief Judicial Magistrate, Puducherry, along with the crime number and issue the order copy.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed. The joint compromise memo and the consent affidavit of the parties shall form part of this order.

sli

10.02.2023

Internet: Yes

Index: Yes/No

Speaking/Non speaking order



Crl.O.P.No.11221 of 2022

To:

- 1.The Chief Judicial Magistrate,
Puducherry.
- 2.The Station House Officer,
All Women Police Station,
Villianur, Puducherry.
- 3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.11221 of 2022

G.CHANDRASEKHARAN, J.
sli

Crl.O.P. No.11221 of 2022

10.02.2023