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Crl OP No.14911 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No.14911 of 2021
and Crl.M.P.No.8178 of 2021

1. Sudhakar

2. Illaya Perumal

3. Anjali Devi

... Petitioners/Accused No.1-3

Versus

1. The State,

Rep by its Inspector of Police,
All Women Police Station,
Tambaram, Chennai 600 045.

... Respondent/Complainant

2. Mrs. Sumathi

... Respondent/Defacto Complainant

Prayer : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code seeking to call for records relating to C.C.No.813 of 2014 dated 17.10.2014 on the file of Judicial Magistrate, Tambaram and quash the same.

For Petitioners : Mr.S.Arivazhagan

For Respondents : Mr.A. Damodaran
Additional Public Prosecutor, for R1

No appearance for R2



Crl OP No.14911 of 2021

ORDER

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This Criminal Original Petition has been filed seeking to quash the Final Report in CC No.813 of 2014 for the alleged offences under Sections 498(A) and 494 of the Indian Penal Code.

2. It is alleged in the Final Report that the petitioners, who are the husband, father-in-law and mother-in-law of the Defacto complainant had caused cruelty on the Defacto complainant.

3. The learned counsel for the petitioners submitted that pursuant to the Final Report, the parties viz., the first petitioner and the defacto complainant had entered into a compromise and had jointly filed a petition under Section 13B of the Hindu Marriage Act for dissolving the marriage by mutual consent. In the said proceedings, the second respondent agreed not to pursue the impugned proceedings. It is also recorded that the first petitioner had settled a property in favour of their son. The learned counsel therefore prayed to quash the impugned Final Report.



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4. Though notice was served on the second respondent none has entered appearance for the second respondent.

5. The learned Additional Public Prosecutor confirmed the fact that the first petitioner and the second respondent had filed a petition for divorce and the Family Court at Chennai in OP No.3164 of 2019 had granted divorce on mutual consent.

6. This Court on perusal of the impugned proceedings finds that the allegation is very vague and bereft of details. It relates to the normal matrimonial differences between an husband and wife. There is no material in the impugned Final Report to attract the offence under Section 498(A). The allegations against the petitioners do not suggest there was any cruelty either on account of dowry demand or cruelty of such a nature as to drive a woman to commit suicide.

7. In any event this Court finds that the Family Court while granting divorce to the first petitioner and the second respondent had recorded as follows:



Crl OP No.14911 of 2021

“The 1st petitioner has relinquished his right to the 2nd petitioner regarding the said property. The 2nd petitioner has lodged a complaint against the 1st petitioner and his family members and the same was taken on the file report CC No.813/2014 on the file of Judicial Magistrate, Tambaram. In view of the compromise, the 2nd petitioner has no objection to file quash petition under Section 482 CRP before the High Court of Madras for compounding the offence. The 2nd petitioner is not claim any maintenance or alimony from the 1st petitioner and on behalf of the minor son as well. The petitioners have settled their issues amicably which is evident from the pleadings and the evidence of the petitioners.”

Thus it is seen that the second respondent had agreed not to pursue the complaint which has culminated in the impugned proceedings. This Court is of the view that in such circumstances no useful purpose could be served in keeping the proceedings pending. The proceedings are hence liable to be quashed to secure the ends of justice. The second



Crl OP No.14911 of 2021

respondent has also not shown any interest in appearing before this Court in spite of service of notice.

8. For all the above reasons, this Court is of the view that the impugned Final Report is liable to be quashed and it is quashed. The Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

06.06.2023

jv

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Judicial Magistrate,
Tambaram
2. The Inspector of Police,
All Women Police Station,
Tambaram, Chennai 600 045.
3. The Public Prosecutor
Madras High Court.



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Crl OP No.14911 of 2021

SUNDER MOHAN, J.

jv

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