



Crl.O.P.No.18437 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.18437 of 2022

and

Crl.M.P.No.12164 of 2022

1.Veeramani
2.Vimala
3.Vijayakumar

...

Petitioners

Vs.

1.The State By:
Inspector of Police,
All Women Police Station,
Pulianthope, Chennai – 600 012.

2.Saraswathi

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.17 of 2021 on the file of the Inspector of Police, All Women Police Station, Pulianthope, Chennai and quash the same.

For Petitioners : Mr. P.Chandrasekar

For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

For Respondent : Mr.K.Janarthanan
No.2



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ORDER

This Criminal Original Petition is filed to call for the records in Crime No.17 of 2021, on the file of the Inspector of Police, All Women Police Station, Pulianthope, Chennai and quash the same.

2.When the matter came up for hearing on 10.02.2023, it was observed from the order of learned Ist Additional Principal Judge in O.P. No.1058 of 2022 that the first petitioner and the second respondent/defacto complainant entered into a settlement. In terms of the settlement, the second respondent/defacto complainant was paid Rs.9,00,000/-. It was submitted before this Court that the first petitioner and the second respondent/defacto complainant got their marriage dissolved by a decree of divorce by mutual consent in O.P. No.1058 of 2022. Unfortunately, nothing was stated in the settlement with regard to the quashing of complaint in Crime No.17 of 2021, on the file of the Inspector of Police, All Women Police Station, Pulianthope, Chennai. After obtaining divorce by mutual consent, second respondent is not forthcoming for quashing of the criminal complaint. Therefore, this Court directed the second respondent/defacto complainant to appear before this Court on 15.02.2023. On 15.02.2023, the second respondent/defacto



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complainant was not present for the reason that she was not well and therefore, the matter stood adjourned to this date.

3.When the matter is taken up today (21.02.2023), the second respondent/defacto complainant and the first petitioner filed a joint compromise memo. The second respondent/defacto complainant stated that she is not interested in proceeding the case against the petitioners in this case and she has no objection for quashing of Crime No.17 of 2021.

4.The first petitioner and the second respondent/defacto complainant are present before this Court and they were identified by Ms.P.Latha, WSSI, W16 AWPS, Pulianthope, Chennai – 12. When enquired, the second respondent/defacto complainant reiterated that she is not interested in proceeding the case against the petitioners and has no objection for quashing of Crime No.17 of 2021.

5.Considering the facts that the parties have amicably settled the issue between them, second respondent/defacto complainant does not want to prosecute the case against petitioners and that she has no objection for



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quashment of proceedings, no useful purpose will be served in keeping the First Information Report pending.

6.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.17 of 2021.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.17 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. Consequently, connected miscellaneous petition is also closed.

21.02.2023

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



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To:

- 1.The Inspector of Police,
All Women Police Station,
Pulianthope, Chennai – 600 012.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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21.02.2023