



WEB COPY



Crl.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.17313 of 2021 and 17000 & 27419 of 2022
and Crl.MP.No.9502 of 2021 & 16841 of 2022

Crl.OP.No.17313 of 2021

1.Srinivas Resu
2.Padma Resu

Crl.OP.No.17000 of 2022

Joseph

Crl.OP.No.27419 of 2022

Bharath Kumar Resu

... Petitioners

.. Vs ..

The State, represented by
the Inspector of Police
W8 All Women Police Station,
Thirumangalam, Chennai
(Cr.No.16 of 2020)

2.Emalin Eniya

.. Respondents in all the cases.

PRAYER : Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records and quash the final report in
CC.No.5176 of 2021 on the file of the Chief Metropolitan Magistrate,
Egmore, Chennai.



WEB COPY



Crl.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

For Petitioners : Mr.T.Sai Krishnan - in all the cases
For Respondents : Mr.S.Santhosh, Govt. Advocate for R1.
M/s.Vedavallikumar for R2.

COMMON ORDER

All these Criminal Original Petitions are filed to quash the CC.No.5176 of 2021 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. When the matter is taken up today, the learned counsel for the petitioners and the second respondent/defacto complainant has filed a joint compromise memo signed by both the parties along with their respective counsel on record.

3. It is alleged that the marriage between the A1/husband and the defacto complainant/wife was held on 07.02.2020 at Chennai, at the time of marriage it is alleged that 100soverigns of gold, Rs.60lakhs cash, two diamond necklace were given to the defacto complainant and 5soverign gold chain, one diamond ring were given to the A1 towards dowry and a sum of Rs.55lakhs was spent for marriage expenses. At the time of marriage, it is stated by A1 that he was working in the National Criminal Lawyer



CrI.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

Association at Australia and apart from that he is doing part time business.

After the marriage A1 went to Australia within two weeks without taking the defacto complainant with him. The defacto complainant/wife asked A1 to take her along with him to Australia, for which the A1 demanded a sum of Rs.50lakhs to start his own business and to obtain the permanent resident citizenship family members of A1 further demanded to sell the jewels given at the time of marriage and to give the aforesaid amount and made criminal intimidation and other harassments relating to dowry. Further, on verification it is found that A1 is not working in the aforesaid lawyer association and he is not doing any business in Australia. Only in order to obtain the citizenship he demanded the amount from the defacto complainant to start the business and he has given false information in order to cheat the defacto complainant and her family members.

4. The second respondent/defacto complainant and the A1/husband, A2/father in law, A4/brother in law of the defacto complainant are present before this Court. The second respondent has filed supporting affidavit. Joint compromise memo is filed signed by both the parties in these cases, wherein it is stated that due to the intervention of friends and relatives,



CrI.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

the matrimonial dispute between the parties were amicably settled and they entered in the Memorandum of Understanding dated 11.11.2022. A1/husband and the defacto complainant/Wife filed mutual divorce petition in OP.No.5229 of 2022 before the III Additional Family Court, Chennai and also agreed to withdraw all the criminal cases.

5. As per the joint compromise memo it is claimed that parties have resolved their dispute among themselves with the help of their friends and relatives and the second respondent has no objection for quashing the case. It is seen from records that this case was registered in Cr.No.16 of 2020 by the Inspector of Police, W8 - AWPS, Thirumangalam, Chennai for the offences under Section 406, 420, 498A of IPC and Section 4 and 6 of Dowry Prohibition Act r/w.34 IPC and after investigation charge sheet was filed in CC.No.5176 of 2021 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai. It is the case of dowry harassment, now it appears that the parties have resolved the dispute among themselves and entered into the joint compromise memo.

6. The petitioners/A1, A2 and A4 and the second respondent were



CrI.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

present in person before this Court and they were identified by **Mrs.R.Kavitha, WHC 20812** attached to **W8 AWPS Thirumanaglam, Chennai**. Insofar as A3 is concerned, she is mother of A1 and A4 and wife of A2, she underwent heart surgery viz., *"CABG x 1Grafts and MVR replacement with no 29 SJM done on 20/06/2022"* at Krishna Institute of Medical Sciences Limited, Telangana. Therefore, the presence of A3 before this Court is dispensed with. She has also given a power of attorney dated 06.01.2023 to and in favour of A4, who is son of A3. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that in order to maintain a healthy and peaceful life, she does not want to prosecute the case against the petitioners and she has no objection for quashing the proceedings in CC.No.5176 of 2021 pending on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

7. The learned Government Advocate (CrI.Side) for the first respondent submitted that it is a matrimonial dispute between the parties. The first petitioner/husband and the second respondent/wife/defacto complainant have also filed petition in OP.No.5229 of 2022 on the file of III



Crl.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

Additional Family Court, Chennai for mutual divorce. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

8. Considering the fact that the second respondent does not want to prosecute the case against the petitioners 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 proceeding in CC.No.5176 of 2021 pending.

9. In the light of the guidelines issued by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Punjab and another** reported in **(2012) 10 SCC 303** and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) reported in **(2017) 9 SCC 641**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in CC.No.5176 of 2021.



CrI.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

WEB COPY

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr.No.16 of 2020 in CC.No.5176 of 2021 pending, on the file of the Chief Metropolitan Magistrate, Egmore, Chennai is quashed. The terms of joint compromise memo dated 09.01.2023 and 15.11.2022 respectively (in three cases) shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

23.01.2023

tsh

Internet : Yes/No

Index : Yes/No

Speaking/Non Speaking Order

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.

2. The Inspector of Police
W8-AWPS Thirumangalam, Chennai.

2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J,



WEB COPY



Crl.OP.Nos.17313 of 2021 and 17000 & 27419 of 2022

tsh

**Crl.OP.Nos.17313 of 2021
and 17000 & 27419 of 2022
and Crl.MP.No.9502 of 2021 & 16841 of 2022**

23.01.2023.