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Crl.OP.No.20268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20268 of 2023

1.S.Shankar
S/o.S.Sathasivam

2.S.Sathasivam
S/o.Subba Gounder

3.S.Babu
W/o.S.Sathasivam

4.S.Kalaivani
W/o.S.Sathasivam

... Petitioners

Vs.

State represented by
The Inspector of Police,
AWPS Sooramangalam Police Station,
Salem City.
(Crime No.21/2023)

... Respondents

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., 1973, praying to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.21 of 2023 on the file of the Inspector of Police, AWPS Sooramangalam Police Station, Salem City.



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For Petitioners : Mr.N.Vijaya Basker
For Respondent : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor
For Intervenor : Mr.C.Prabhakaran

ORDER

This Criminal Original Petition has been filed seeking for anticipatory bail apprehending arrest by the respondent police for offences u/s.498-A, 406, 294-B and 506(2) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.21 of 2023.

2. When the matter came up for hearing on 01.09.2023, this Court passed the following order:

"The learned Additional Government Pleader on instructions submitted 41A notice was issued to the petitioners / accused persons and the enquiry was supposed to be conducted today and the petitioners had agreed to attend for the enquiry today.

2. The learned counsel for the petitioners submitted that he was not aware of this fact. Considering the nature of dispute, the petitioners are directed to attend the enquiry before the respondent police on 04.09.2023.

3. Post this case on 07.09.2023."



3. The matter, thereafter, was listed for hearing on 07.09.2023 and

this Court passed the following order:

"Pursuant to the earlier order passed by this Court on 01.09.2023, the matter stood posted for hearing today.

2. The learned counsel for the petitioners submitted that the petitioners attended the enquiry before the respondent based on the Section 41A of Cr.P.C., notice that was served on them. The learned Additional Public Prosecutor also confirmed the fact that the petitioners attended the enquiry.

3. The learned counsel for the petitioners as well as the learned counsel for the de-facto complainant submitted that the parties have almost reached a settlement in this case and that if the case is adjourned for some time, they will report compromise and thereafter, this Court can proceed to pass final orders.

4. In the light of the above development, post this case under the same caption on 21.09.2023. In the meantime, the respondent Police is directed not to precipitate the matter."

4. When the matter was taken up for hearing today, learned counsel for petitioners and learned counsel appearing on behalf of the *de facto* complainant submitted that the parties have reached a compromise and the matter has been settled amicably among themselves and hence, the counsel on either side submitted that the First Information Report itself can be quashed.



5. The *de facto* complainant was present before this Court. She stated that she got married to the first petitioner in the year 2019 and through the marriage, there is a girl baby named Shivanya aged about three years. She stated that she had a one to one discussion with the first petitioner, who is her husband and ultimately, both of them decided to bury their hatchet and live together happily, more particularly, considering the interest of their child, who is aged about three years. She stated that she does not want to prosecute this case any further.

6. The first petitioner was also present before this Court. He stated that the issue has been settled and hence, he wants to live peacefully with the *de facto* complainant and he further stated that the past incidents can be forgotten and a new life can be commenced.

7. Both the first petitioner and the *de facto* complainant stated that today is the birthday of their daughter Shivanya and that they are going to celebrate the same with lot of joy and happiness. In my presence, the second respondent told the first petitioner that she will forget all the incidents that took place in the past and that she expects the first petitioner to live with her happily.



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8. In the considered view of this Court, the first petitioner and the *de facto* complainant have now come together and have decided to live a happy married life. This is more so considering the interest of their girl child, who is now aged about three years. In view of this development, the continuation of the investigation in Crime No.21 of 2023 will not be in the best interest of the parties and hence, the same has to be interfered with by this Court. This Court is therefore inclined to exercise its jurisdiction u/s.482 Cr.P.C. and interfere with the criminal prosecution.

9. In the result, the First Information Report in Crime No.21 of 2023 pending on the file of respondent is hereby quashed.

Accordingly, this Criminal Original Petition is disposed of.

22.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

N.ANAND VENKATESH, J.



WEB COPY

To

1. The Inspector of Police,
AWPS Sooramangalam Police Station,
Salem City.
(Crime No.21/2023)

2. The Public Prosecutor,
Madras High Court,
Chennai.



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