



Crl.O.P No.25092 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.01.2023**

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.25092 of 2019
and Crl.M.P. No.13388 of 2019

1. S.Praveen Kumar
2. S.Pushparani

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
W-9 All Women Police Station,
Villivakkam, Chennai – 600 049.

2. P.Sharmila

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to accept this Memo of Understanding and quash the entire case in Crime No.12 of 2019, pending on the file of W9, All Women Police Station, Villivakkam, Chennai.

For Petitioners : Mr.M.Manimaran

For Respondent-1 : Mr. A.Gopinath
Government Advocate (Crl.side)

R2 : Mr.N.Ramachandran



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ORDER

This Criminal Original Petition has been filed to accept this Memo of Understanding and quash the entire case in Crime No.12 of 2019, pending on the file of W9, All Women Police Station, Villivakkam, Chennai.

2. On 03.01.2023, this Court has passed the following order:

“ .. 2. The second respondent has given a complaint on the allegation that the first petitioner was in love with her from the year 2009 to 2014. After having been intimate with her, he refused to marry her.

3. During the pendency of the proceedings, the matter was referred to Mediation.

4. The learned counsel for the petitioner submitted that during mediation, the first petitioner and the second respondent / defacto complainant have arrived at an understanding between themselves to mind their own ways and the said memo of understanding has also been signed by both the first petitioner and the second respondent.

5. Hence the petitioners and the second respondent are directed to appear before this Court on 24.01.2023 for further proceedings.”

3. Today when the matter was taken up, the petitioners and the *de facto* complainant were present before this court and they were identified by



their respective counsels and Ms.P.Mala, WHC-35860, AWPS, Villivakkam.

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4. As the matter was referred to mediation, the parties have amicably settled the issues between themselves. The second respondent / *de facto* complainant had stated that the first petitioner did not have any intention to marry her and had already married some other person and hence she decided to part her way peacefully. The *de facto* complainant had stated that she had signed the Memorandum of Understanding without any threat or coercion.

5. Since the second respondent is employed and she is matured enough to take her own decision and decided to purchase peace by parting her ways from the first petitioner, I feel the parties should be allowed to bring an end to the litigation by taking into consideration of their future life.

6. In the above circumstances, no useful purpose will be served by keeping the proceedings pending. The offences involved are not compoundable in nature. However, 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 Gujrath)**, this Court in exercise of power



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under Section 482 Cr.P.C. prefers to quash the proceedings in C.C.

No.153/2022 on the file of the Chief Metropolitan Magistrate Court,

Egmore, Chennai.

7. In the result, the Criminal Original Petition is allowed and as a sequel, the FIR in Cr. No.12 of 2019 on the file of the first respondent is quashed.. The Memorandum of Understanding dated 13.02.2020 entered into between the parties shall form part of this order. Connected miscellaneous petition is closed.

24.01.2023

Index : Yes/No
Speaking Order : Yes / No
bkn



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To:

1. The Inspector of Police,
W-9 All Women Police Station,
Villivakkam, Chennai – 600 049

2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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24.01.2023