



Crl.OP.No.878 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.878 of 2023

1.Vijayakumar

2.Sreedharan

3.Uma Maheswari

4.Chithra

5.Premalatha

6.Saraswathi

... Petitioners

Vs.

The State, represented by
the Inspector of Police
M1 Madhavaram Police Station, Chennai.

2.Rekha Sri

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in Cr.No.635 of 2022 on the file of the
1st respondent herein and quash the FIR against the petitioners herein.

For Petitioners : Mr.A.Saranraj

For Respondents : Mr.S.Santhosh, Govt. Advocate for R1.



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ORDER

This Criminal Original Petition is filed to call for the records in Cr.No.635 of 2022 on the file of the 1st respondent herein and to quash the same.

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. As per the joint memorandum of compromise it is claimed that parties have resolved their dispute among themselves with the help of their family members and the second respondent has stated no objection for quashing the complaint. It is seen from records that this case was registered in Cr.No.635 of 2022 by the Inspector of Police, M1 Madhavaram Police Station, Chennai for the offences under Sections 147, 148, 323, 324 and 506(ii) of IPC. The defacto complainant and the first petitioner are husband and wife, other petitioner are the in laws of the defacto complainant.



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3. 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 due to family dispute she had preferred the complaint against the petitioners and now she is living with her husband/first petitioner happily and peacefully along with their four daughters and she has no objection for quashing the proceedings in Cr.No.635 of 2022 by the Inspector of Police, M1 Madhavaram Police Station, Chennai.

4. The learned Government Advocate (Crl.Side) for the first respondent submitted that due to family dispute in the matrimonial home, the defacto complainant has given the complaint against the petitioners. The first petitioner/husband and the second respondent/wife/defacto complainant are now living together along with their four daughters. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.



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5. It is seen from records, that on the advice of the well-wishers and relatives the second respondent/defacto complainant is ready to withdraw the complaint given against the petitioners and stated no objection to quash the Cr.No.635 of 2022 and she has also filed an affidavit to that effect.

6. 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 Cr.No.635 of 2022 pending.

7. 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 Cr.No.635 of 2022.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr.No.635 of 2022 pending, on the file of the Inspector of Police, M1 - Madhavaram Police Station, Chennai is quashed and the terms of joint memorandum of compromise dated 28.11.2022 shall form part and parcel of this order.

23.01.2023

tsh

Internet : Yes/No

Index : Yes/No

Speaking/Non Speaking Order

To

1. The Inspector of Police
M1 - Madhavaram Police Station, Chennai.

2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J,



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