



Crl.O.P.No.32681 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.O.P.No.32681 of 2022

1.Sudhakar
2.Vasantha

... Petitioners

Vs

1.The Inspector of Police,
All Women Police Station,
Madipakkam, St. Thomas Mount,
Chennai.

2.C.B.Himabindu Channa

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in pertaining to the crime No.20 of 2016 and quash the same.

For Petitioners : Mr.L.Rajendran

For Respondent : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
Mr.P.Sreenivasulu for R2



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.20 of 2016 on the file of the first respondent Police and quash the same.

2.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondent/de-facto complainant and both the parties are present before this Court and they were identified by the respondent Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The Compromise Memo dated 14.12.2023 is extracted hereunder :-

*'Mr.Laxmi Prasad Swargam son of Mr.Sudhakar
Swargam and Himabindu Channa D/o CB Sreeranga Prasad*



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have entered into an Letter of undertaking dated 2nd July 2021 as per the Letter of Undertaking the first party has received her entire jewels which was in the Locker of IDBI bank A S Rao Nagar Secunderabad as per the directions of the Hon'ble High Court of judicature at Madras in Crl.O.P.No.32681 of 2022 the parties appeared before the Conciliation officer and both the parties came to an conclusion that the jewels of the first party will be handed over to the first party immediately after receiving the jewels the first party shall file petition to withdraw the Domestic Violence case in D.V.C.No.16 of 2016 pending before the Hon'ble XVII Metropolitan Magistrate Court at Saidapet against the second party and his parents the second party will pay Rs.10,00,000/- (Rupees Ten Lakhs only) as permanent alimony (Full and Final Settlement) as demand draft in favour of the 1st party DD No.042567 drawn at ICICI Bank dated 18.11.2023 Payable at Chennai at the time of appearing before the Hon'ble High Court of Judicature at Madras and give the consent to quash the FIR against the 2nd party and their parents in Crime No.20/2016 and there will not be any claim against each other in future and the second party will not file any petition to set aside the Exparte decree passed in H.M.O.P.No.1880 of 2021 on the file of the Sub Judge Alandur and the 1st party undertakes to file no objection in Crl.O.P.No.32681/2022 to quash FIR pending against 2nd party



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and his parents before the All Women Police Station Madipakkam Chennai in Crime No.20 of 2016 and undertakes to withdraw the Domestic Violence Case No.16/2016 pending before the Hon'ble XVII Metropolitan Magistrate Court at Saidapet Chennai, both the first party and the second party after closure of pending cases agree not to file any case against each other's with regard to matrimonial dispute."

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. 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 its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No. 20 of 2016.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.20 of 2016 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

14.12.2023

Internet:Yes



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Index: Yes/No

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To

1. The Inspector of Police,
All Women Police Station,
Madipakkam, St. Thomas Mount,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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VIVEK KUMAR SINGH.J.,

vkr

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