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Crl.O.P.(MD)No.7068 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.7068 of 2023

1.P.Balakrishnan

2.B.Maheswari

3.P.Chandra Mohan

... Petitioners/Accused No.1 to 3

Vs.

1.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.10 of 2022)

... 1st Respondent/Complainant

2.U.Balachandra

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating the case in Crime No.10 of 2022 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.K.Muthurakkan

For Respondents : Mr.B.Nambiselvan for R1
Additional Public Prosecutor

Mr.N.Pralaganathan for R2



ORDER

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This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 10 of 2022 on the file of the first respondent police.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.10 of 2022 for the offences punishable under Sections 364 A IPC.

3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Crl. side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. The defacto complainant would state that they have mutually resolved to separate. Rs.50,00,000/- (Rupees Fifty Lakhs Only) was fixed as total maintenance amount. Out of the



above said amount Rs.25,00,000/- (Rupees Twenty Five Lakhs only) has been already received by her through her Bank account. Remaining amount is now paid in the form of Demand Draft.

5.Even though it is a case for the offence under Section 494 IPC, the second accused is stated to be the second wife of the first accused, who says that without knowing his first marriage, she entered into the second marriage with the first accused. Now they got two children.

6.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 10.04.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.10 of 2022 pending on the file of the 1st respondent police in respect of these petitioners.

7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.10 of 2022, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioners. The



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compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

19.04.2023

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TM

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