

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.OP No.22203 of 2017

Bishanth J Roshini

.. Petitioner

Vs.

1.State rep. By

The Inspector of Police,  
Mamallapuram All Women Police Station,  
Kancheepuram District,

2.Chris Tilda

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.05 of 2016 on the file of the 1<sup>st</sup> respondent police registered for the offences under Sections 417, 313, 420 & 506(i) IPC and quash the same.

|                   |                             |
|-------------------|-----------------------------|
| For Petitioner    | :M/s.R.Rajesh Vivekananthan |
| For Respondent-1  | :Mr.P. Govindarajan APP     |
| For Respondent-2  | :Mrs.Chris Tilda,           |
| (Party-in-Person) |                             |

ORDER

When the matter came up for hearing today, the petitioner as well as the second respondent/defacto complainant are personally present before this Court and identified themselves.

2.Heard the learned counsel for the petitioner as well as the learned counsel for the second respondent and the learned Additional Public Prosecutor for the first respondent.

3.The learned counsel for the petitioner submitted that pending investigation in Crime No.05 of 2016 on the file of the first respondent, the second respondent/de-facto complainant and the petitioner have amicably settled the dispute among themselves and accordingly, they have entered into a compromise and filed a Memorandum of Compromise dated 22.10.2017. The de-facto complainant/2<sup>nd</sup> respondent has also filed an affidavit dated 22.10.2017, wherein she has stated that she has no objection to quash the proceedings initiated by the first respondent police in Cr.No.05 of 2016.

4. In order to identify themselves, the petitioner and the second respondent have submitted the photo copies of their Voter ID and Driving License respectively viz., 1. Bishanth J Roshin - AXX0097808 and 2. Christilda - TN66/DLA/0003764/2015 and after verification of the original cards, the same are recorded.

5. The learned Additional Public Prosecutor vehemently opposed the petition stating that by taking into account of the seriousness of the offence and in view of Section 313 of IPC, the offence is not compoundable.

6. The Hon'ble Supreme Court in an order passed in Unnikrishnan @ Unnikuttan Vs. State of Kerala in CrI.MP.No.18630 of 2016 dated 01.03.2017, had held that even in cases where the offences are not compoundable under Section 320 Cr.P.C., compounding can be considered in view of the compromise arrived at between parties. The relevant portion of the judgment is as follows:

"11. What emerges from the above is that even if an offence is not compoundable within the scope of Section 320 of Code of Criminal Procedure the Court may, in view of the compromise arrived at between the parties, reduce the sentence imposed while maintaining the conviction.

12. Having regard to the facts of the present case, while taking into account the settlement arrived at between the parties and also considering the affidavits filed before us by each one of the applicants by way of joint application, we allow the application seeking permission to compound the offences."

7. In view of the above observations of the Hon'ble Supreme Court, I am of the considered opinion that the ends of justice would be met by permitting the petitioner to compound the offence in view of the compromise arrived at between parties.

8. Recording the submissions made by the defacto complainant/ 2<sup>nd</sup> respondent in the affidavit filed by her dated 22.10.2017, the investigation in Cr.No.05 of 2016 on the file of the first respondent is quashed. Accordingly, the Criminal Original Petition stands allowed.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

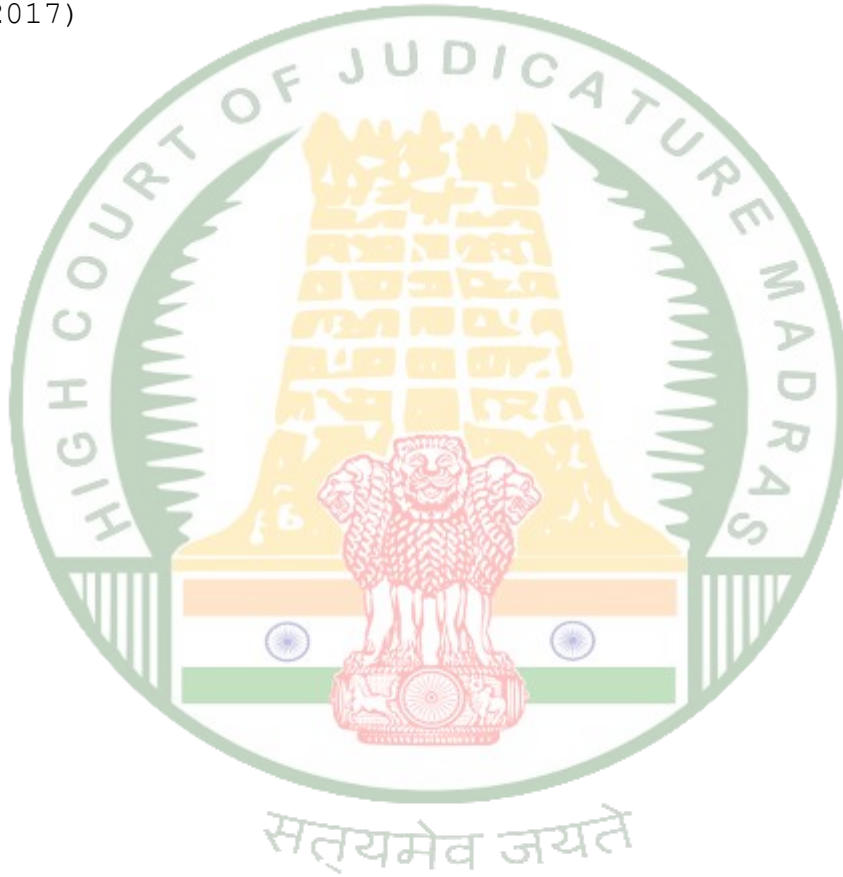
To

1.The Inspector of Police,  
Mamallapuram All Women Police Station,  
Kancheepuram District.

2.The Public Prosecutor,  
High Court, Madras.

Cr1.OP No.22203 of 2017

SSI (CO)  
EU (29/11/2017)



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