



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P(MD)No.10700 of 2017

Soundirapandi

.. Petitioner

Vs.

The State rep.by

1.The Inspector of Police,
All Women Police Station,
Thirumangalam
Madurai District,
Crime No.21 of 2016.

2.Parameswari

3.R.Muthulakshmi

.. Respondents

Criminal Original Petition is filed under section 482 of Cr.P.C praying to call for the entire records pertaining to the case in Crime No.21 of 2016 on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Balaji

For 1st Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

For 2nd Respondent : Mr.N.Balasubramanian

ORDER

This petition has been filed to quash the FIR in Crime No.21 of 2016, on the file of the first respondent herein.

2.The petitioner is the sole accused in the above case and FIR has been registered by the first respondent police on the ground that on 18.03.2016, the accused had sexual intercourse with the defacto complainant, aged about 16 years, who is a deaf and dumb. When the accused and others questioned him, he threatened them and criminally intimidated them. Hence, the defacto complainant has given a complaint and based on the



complaint, a case in Crime No.21 of 2016 has been registered. Thereafter, the accused filed this petition to quash the same on the ground that after the occurrence, there was a mediation in the village and as the accused and victim are closely related, the accused wants to marry the victim girl and they have also settled the dispute between themselves.

3.This case has been periodically adjourned. Today, when the matter was taken up for hearing, both the accused and victim girl along with their parents present before this Court and the learned counsel appearing for the petitioner and second respondent submitted that pending the present petition, the victim girl has attained majority, thereafter, the marriage between them was conducted on 15.09.2017 at Arulmigu Prasanna Venkatachalapathy Temple, Tallakulam, Madurai. They have also produced a copy of marriage certificate issued by the temple. Since the victim girl is a deaf and dumb, she has been examined with the help of the Inspector of Police and she has stated that she got married with the accused and she is living happily with him and she is not willing to proceed with the case. They have also filed a memo of compromise to that effect.

4.Even though the offence under the Protection of Children from Sexual Offences Act, 2012 is not compoundable offence, considering the fact that both the accused and victim girl got married and the victim girl is also living happily with the accused and she is also not willing to proceed with the complaint, the parents of both the accused and victim girl also present and they have also stated that they are closely related and now they are not willing to proceed with the case. In the above circumstances, in the interest of justice, I am inclined to quash the FIR registered against the accused.

5.In the result, this Criminal Original Petition is allowed. The FIR registered against the petitioner/accused in Crime No.21 of 2016 on the file of the first respondent is quashed. The copy of the marriage certificate shall form part of the records.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

(*)COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To

1.The Inspector of Police, All Women Police Station,
Thirumangalam, Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.S.Balaji, Advocate, SR.No.80246

<https://hcservices.ecourts.gov.in/hcservices/>

RL/4C/2P/MR/KKR/SAR2/27/9/2017

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