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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
CRL.O.P. (MD) No.17185 of 2017

Thangamanikandan

... Petitioner/Sole Accused

Vs.

1.The State represented by,  
The Inspector of Police,  
Susindram Police Station,  
Susindram,  
Kanyakumari District.

... Respondent /Complainant

2. R.Eswariammal

... Respondent/  
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the First Information Report bearing Crime No.706 of 2015 on the file of the Inspector of Police, Susindram Police Station, Susindram, Kanyakumari District and to quash the same as illegal and devoid of merits forthwith.

|                 |                                                           |
|-----------------|-----------------------------------------------------------|
| For Petitioners | : Mr.S.Palani Velayutham                                  |
| For R-1         | : Mr.K.S.Durai Pandiyan,<br>Additional Public Prosecutor. |
| For R-2         | : Mr.M.Nambu Marimuthu                                    |

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O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.706 of 2015 on the file of the Inspector of Police, Susindram Police Station, Susindram, Kanyakumari District as illegal and devoid of merits forthwith.

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

3.The petitioner is the sole accused in Crime No.706 of 2015 on the file of the first respondent police. On the basis of the charges framed by the second respondent/de-facto complainant, a case was registered in Crime No.706 of 2015, dated 09.10.2015, for

the alleged offences under Sections 3 and 4 of P.O.C.S.O. Act.

4. In the First Information Report, the second respondent has stated that she is the student of Sivanthi Athithanar College and studying Second Year B.A., (English) and that she fell in love with the petitioner and married him and that they are living together as husband and wife. Since the second respondent was minor at the time of marriage, the case was registered for the above offences. The fact that the petitioner and the second respondent are living as husband and wife is not in dispute and that the second respondent has got a child. It is reported that the second respondent is living in the matrimonial home with the petitioner. Except the allegation that she went along with the petitioner on 07.10.2015 and she married the petitioner, no allegation is made either by the second respondent or by any one.

5. The petitioner and the second respondent have also filed a Joint Compromise memo. A Joint Compromise Memo, dated 11.12.2017, signed by the petitioner and the de-facto complainant in the presence of their respective counsels is produced before this Court. As per the Joint Compromise memo, the defacto complainant has no objection for quashing the First Information Report in Crime No.706 of 2015 on the file of the first respondent.

6. The parties, namely, the petitioner and the second respondent appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the first respondent police.

7. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the First Information Report in Crime No.706 of 2015 on the file of the first respondent, is quashed in *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

ENCL:Xerox Copy of Joint Compromise Memo.

To

1.The Inspector of Police,

<https://hcservices.sccourtsgov.in/hcservice/> Police Station,

Susindram, Kanyakumari District.



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

+1cc to Mr.S.PALANI VELAYUTHAM, Advocate, SR. 92806

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KK/GT/SAR 4/18.01.2018/ 3P- 4C/