



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD).No.7561 of 2017

- 1.Suresh
- 2.Anirose
- 3.Stella
- 4.Rani

: Petitioners/Accused 1 to 4

-Vs-

- 1.The State Rep. by,
The Inspector of Police,
All Women Police Station,
Valliyoore,
Tirunelveli District.
(Crime No.24 of 2015).

: Respondent/Complainant

- 2.Kanaga

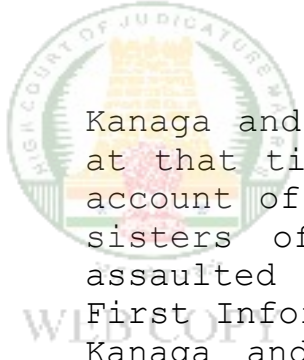
:Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records of the case in Crime No.24 of 2015 on the file of the Inspector of Police, All Women Police Station, Valliyoore, Tirunelveli and quash the same on the ground of compromise forthwith.

For Petitioners	:	Mr.S.Palani Velayutham
For Respondent No.1	:	Mr.K.Anbarasan, Government Advocate (Crl.side)
For Respondent No.2	:	Mr.S.Ramakrishnan

O R D E R

On the complaint lodged by Kanaga, the respondent police registered a case in Crime No.24 of 2015 on 14.11.2015 under Sections 417, 376, 294(b), 506(ii) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against Suresh (A-1), Anirose (A-2), Stella (A-3) and Rani (A-4). It is the case of Kanaga that she was in love with Suresh for about eight years and that on 08.08.2008 around 09.00 a.m., in the morning, when Kanaga was alone at home, Suresh came to her house and had sex with her on the promise of marrying her. It is further stated that even thereafter he used to come frequently and had sex with her. According to Kanaga, Suresh went abroad for employment and on 05.11.2015 when he returned to the Village,



Kanaga and her family members approached him for marrying her and at that time, it is alleged that Suresh refused to marry her, on account of which, a quarrel ensued. A-2, A-3 and A-4, who are the sisters of Suresh (A-1), also joined in the quarrel and had assaulted Kanaga. Hence, on the complaint given by Kanaga, the First Information Report has been registered as stated above. Now, Kanaga and the accused are before this Court for quashing the First Information Report on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, M/s.Angayarkanni, Inspector of Police, All Women Police Station, Valliyoor, is present. The *defacto* complainant is present and except the first petitioner-Suresh, all the other petitioners are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through M/s.Angayarkanni, Inspector of Police, All Women Police Station, Valliyoor.

3. Under normal circumstances, a First Information Report registered for an offence under Section 376 of the Indian Penal Code should not be quashed on the ground that the parties have arrived at a compromise. In this case, the date of birth of Kanaga is 14.05.1989. Even, according to her, she was in love with Suresh for about eight years and they were having consensual sex. Suresh went abroad for employment and returned in the year 2015. Only at that time, he refused to marry her, on account of which, an altercation occurred and the parties came to blows. Thus, it is seen that for an incident that had taken place on 08.08.2008, the complaint itself was given only on 14.11.2015.

4. Furthermore, from a reading of the First Information Report, it is clear that Suresh and Kanaga were having consensual sex and it is not a case of rape, as it is made to appear now. In the First Information Report, Kanaga stated that from 08.08.2008 onwards, they were frequently having sex and that the whole problem erupted only subsequently when Suresh went abroad and refused to marry her. It is not the case of Kanaga that the sisters of Suresh were in anyway responsible for her love affair and sexual relationship with Suresh.

5. Kanaga is present before this Court and she is represented by an advocate Mr.S.Ramakrishnan. She herself submitted that Suresh and his family are her relatives and that she does not want any embarrassment.

6. The petitioners and the second respondent have filed a memo of compromise dated 27.03.2017, wherein, in paragraph Nos.4 and 5, it is stated as follows:



"4. The petitioners submit that all the petitioners are sisters and the 1st accused is their brother and the defacto complainant is their cousin. Originally, the 1st accused and the defacto complainant were lovers and as the 1st accused went to abroad, the above complaint is constrained to be given to the 1st respondent by the 2nd respondent.

5. The petitioners submit that now the 2nd respondent is not interested in persuading the said legal process in view of a compromise as made between both families. Moreover they are the close relatives and they had some embarrassment in view of the pendency of the above case among the relatives."

7. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire prosecution against all the accused in Crime No.24 of 2015 on the file of the first respondent is hereby quashed. The memo of compromise dated 27.03.2017 shall form part of this order. However, the accused are directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) totally to the Curator, Gandhi Museum, Madurai, within a period of four weeks from today.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

(*)MEMO OF COMPROMISE XEROX COPY IS ENCLOSED HEREWITH

To:

1.The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.

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

Copy to:- The Curator, Gandhi Museum, Madurai.

+One cc to Mr.S.Palanivelayutham, Advocate, SR.No.61005

SML

RL/5C/3P/MR/SAR1/4/7/2017