



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.9960 of 2017

R. Makesh ... Petitioner/Sole Accused

-Vs-

1.State of Tamil Nadu
rep. by the Inspector of Police,
Colachel Police Station,
Kanyakumari District. ... Respondent/Complainant

2.Vargees ... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to Crime No.403 of 2016 on the file of the first respondent Police dated 08.10.2016 and quash the same.

For Petitioner	:	Mr.C.K.M. Appaji
For R1	:	Mr.K.Anbarasan, Government Advocate(Crl.side)
For R2	:	Mr.M.P.Hariprasad

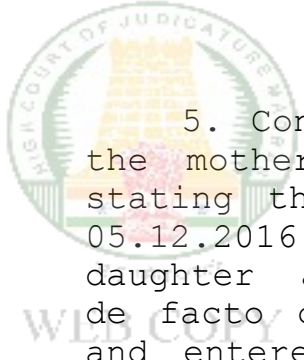
O R D E R

This Criminal Original petition is filed to call for the records pertaining to Crime No.403 of 2016 on the file of the first respondent Police dated 08.10.2016 and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. On the complaint received from the de facto complainant, a case was registered against the petitioner in Crime No.403 of 2016, for the serious offences under Section Sections 4 and 6 of POCSO Act and as a case of girl missing.

4. The allegation in the complaint was that the petitioner has ~~services in a government~~ girl, who was studying 1st year B.A., The case was also registered under Sections 4 and 6 of POCSO Act.



5. Considering the complaint given by the second respondent, the mother of the minor girl herself has filed an affidavit stating that her daughter, married the petitioner herein on 05.12.2016 and that the petitioner and the de facto complainant's daughter are leading a happy married life. The petitioner and the de facto complainant also resolved their differences among them and entered into a compromise. They have also filed a joint compromise memo signed by them before this Court. As per the joint compromise memo, the de facto complainant has undertaken not to indulge in any litigation either civil or criminal and agreed to withdraw the criminal case.

6. In the said circumstances, there is no scope for continuing the proceedings in Crime No.403 of 2016 on the file of the first respondent Police.

7. The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own 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 Government Advocate (Criminal side) through the first respondent police.

8. Having regard to the compromise memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. As per the Compromise Memo signed by the parties, the defacto complainant, namely, the second respondent has agreed to quash the proceedings against the petitioner herein. Hence, the First Information Report in Crime No.403 of 2017 on the file of the first respondent police, is quashed in toto and the Joint Compromise Memo signed by the parties shall form part of the order.

9. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

(*) TERMS OF COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To

1.The Inspector of Police, Colachel Police Station,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
+One cc to M/s.C.K.M.Appaji, Advocate, SR.No.69178

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

RL/4C/2P/MR/KKR/SAR1/29/8/2017

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