

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.836 of 2018

Anandh @ Anandharaj

.. Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Mudaliarpet Police Station,
Puducherry.

2.Maheswari

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the FIR No. 7 of 2017 dated 21.01.2017 pending investigation on the file of the first respondent police.

For Petitioner : Mr.K.Sasindran

For Respondent 1: Mr.V.Balamurugan
Additional Public Prosecutor
(Pondicherry)

For Respondent 2: Mrs.Maheswari
(Party in Person)

O R D E R

This petition has been filed seeking to quash the proceedings in FIR No. 7 of 2017 pending on the file of the first respondent police.

2. Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor (Puducherry) seeks time to get instructions and vehemently opposed the petition, saying that by taking into account of the seriousness of the offences and in view of the Section 363 of IPC, Section 9 of POCSO Act 2006 and 4 of Protection of Children from Sexual Offences Act 2012, the offences are not compoundable.

3. The learned Counsel for the petitioner on the other hand

by relying upon the judgment of the Hon'ble Supreme Court made in CrI.MP. No. 18630 of 2016 stating that even in case where the offences are not compoundable registered under Section 363 of IPC, Section 9 of POCSO Act 2006 and 4 of Protection of Children from Sexual Offences Act 2012, in view of the compromise arrived at between parties, same can be considered.

The relevant portion of the judgment are 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."

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

5. It is submitted by the learned counsel for the petitioner that Pending Criminal Original Petition, the defacto complainant and the petitioner have amicably resolved the dispute among themselves and accordingly, they have entered into a compromise.

6. In order to identify themselves, the petitioner and the defacto complainant/2nd respondent have submitted the photo copies of their Identity Cards viz., Anandh @ Anandharaj - Aadhar Card No.287139331270 and M.Maheswari - Aadhar Card No.286843302532 and after verification of the original cards, the same are recorded.

7. Today, the defacto complainant as well as the petitioner are personally present before this Court and also have been identified. An affidavit of the defacto complainant dated 08.01.2018 is also filed to the effect that the defacto complainant has no objection, if the present Criminal Original Petition is allowed and compound the offence.

8. Recording the same, the proceedings in Crime No. 07 of 2017 on the file of 1st respondent police is quashed. The Criminal Original Petition is allowed. The affidavit dated 08.01.208 filed by the second respondent/defacto complainant shall form part of the order.

Xerox Copy of Affidavit dated 08/01/2018 attached

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

aav

To

1. The Inspector of Police,
Mudaliarpet Police Station,
Puducherry.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sasidaran, Advocate SR.No.2474
+1cc to Government Pleader Puducherry SR.No.3103

Cr1.O.P.No.836 of 2018

MG (CO)
GN (08/02/2018)

सत्यमेव जयते

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