

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2189 of 2018

and

Crl.M.P.No.850 of 2018

1.Karthick
2.Jayakumar
3.Thangamani
4.Chinnakannu ... Petitioners/Accused

Vs.

1.State Rep by
Inspector of Police,
All Women Police Station,
Velur, Namakkal District.
Crime no:11/17
2.K.Anjali ... Respondents /Defacto complainant

PRAYER : This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for and quash the P.P.C. No.7 of 2018, pending on the file of the Judicial Magistrate Court, Paramathy, Namakkal District, in Crime No.11 of 2017 on the file of the Inspector of Police, All Women Police Station, Velur, Namakkal District, by accepting this Affidavit of Compromise of this defacto complainant.

For Petitioners : Mr.B.Vasudevan
For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side) for R1
Mr.S.Senthil for R2

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ORDER

This petition has been seeking to quash the proceedings in P.R.C. No.7 of 2018, pending on the file of the Judicial Magistrate Court, Paramaty, Namakkal District.

2.The respondent police initially registered an FIR for an offence under Sections 5(I) and 6 of Protection of Child from Sexual Offences Act 2012 and 417, 313, 342 and 506(ii) of I.P.C.

3. After investigation, a final report was filed before the Court below for an offence under Sections 5(I) and 6 of Protection of Child from Sexual Offences Act 2012 and 417, 313, 342 and 506(ii) of I.P.C. During the course of the proceedings, the parties have come to a settlement and therefore, this petition has been filed to quash the proceedings on the ground of compromise.

4. This Court had directed the de-facto complainant and also A1 to A5 to be present before this Court. This Court examined the de-facto complainant. She stated that the first and second petitioners are the sons of the third and fourth respondents and the third and fourth petitioners are the maternal aunt and uncle of the second respondent. She further stated that the first petitioner was her close relative being the aunt's son and are not known to each other right from childhood onwards. She wanted to get married to the first petitioner. However, the third and fourth petitioners were not willing to get the first petitioner married to the second respondent. Thereafter, the second respondent out of frustration had given a complaint against the petitioners, which resulted in the criminal prosecution. Thereafter, the family elders called the parties and spoke with them and taking into consideration the interest of the family and also the future of the second respondent, it was decided to compromise the dispute. The second respondent made a categorical statement that the allegations made against the first petitioner is an exaggerated version and she no more wants to continue to prosecute the case and the proceedings can be quashed on the ground of compromise.

5. This Court also personally examined the first petitioner. He would state that he is not willing to marry the second respondent and the relationship between the parties have strained due to the complaint given against the petitioners.

6. This Court took into consideration the facts and circumstances of this case. No useful purpose will be served by keeping the proceedings pending. In fact, by keeping the proceedings pending, it will unnecessarily affect the future of the second respondent and the second respondent is now already 25 years and she has to get married and settle down in life. Therefore, on a cumulative assessment of the facts and circumstances of this case, this Court is of the considered view that the proceedings will have to be quashed in exercise of its jurisdiction under Section 482 of Cr.P.C. Eventhough, the offence is non-compoundable, the case falls within the guidelines given by the Hon'ble Supreme Court in Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat,

reported in 2017 9 SCC 641.

7.In the result, the proceedings in P.R.C. No.7 of 2018 on the file of the Judicial Magistrate Court, Paramathy, Namakkal District is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/- Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

ia/vsg1

To

1.The Judicial Magistrate Court,
Paramathy, Namakkal District.

2.DO thro Chief Judicial magaistrate,
Nammakal.

3.The Inspector of Police,
All Women Police Station,
Velur, Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.B.Vasudevan , Advocate SR.No. 82817

+lcc to Mr.S.Senthil , Advocate SR.No. 81999

CRL.O.P.No.2189 of 2018

A.SK(11/01/2019)

सत्यमेव जयते

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