

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30133 of 2018

Rajaph @ Sadhiq

... Petitioner

Vs.

1. State represented by,
The Inspector of Police,
All Women Kallakurichi Police Station,
Villupuram District.
(Crime No.31 of 2013)

2. M.Jubaitha

... Respondents

PRAYER :

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the charge sheet in S.C.No.228 of 2018 pending on the file of Principal District and Sessions Judge (Mahila Court), Villupuram, in Crime No.31 of 2013 on the file of first respondent and quash the same.

For petitioner : Mr.R.Vivekananthan

For R-1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.228 of 2018 on the file of the learned Principal District and Sessions Judge (Mahila Court), Villupuram, for an alleged offence under Sections 147, 376, 506 (i), 323 of IPC r/w Section 4 of Tamil Nadu Prohibition Women Harassment Act 2002.

2. The case is still at the stage of Trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The affidavit of the petitioner and the affidavit of the second respondent has been filed before this Court which has

been signed by the petitioner and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copies of the Aadhaar Card are made part of the record. In the affidavit it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in S.C.No.228 of 2018. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.31 of 2013.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.228 of 2018, on the file of the learned Principal District and Sessions Judge, (Mahila Court), Villupuram, is quashed and the affidavit filed by the parties and shall form part and parcel of this order. The petitioner shall pay a sum of Rs.5,000/- as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of one week from the date of receipt of a copy of this order.

* Xerox copy of Affidavits, dated 21.12.2018 enclosed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ub/ssr

To

1. The Principal District and Sessions Judge
(Mahila Court), Villupuram.
2. The Inspector of Police,
All Women Kallakurichi Police Station,
Villupuram District.
3. The Additional Public Prosecutor,
High Court, Madras.

Copy To
The Section Officer,
Accounts Section,
High Court, Madras-104

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.89593

CrI.O.P.No.30133 of 2018

CP(CO)
CS(14/02/2019)



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