



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P(MD)No.11397 of 2018

Dinesh Kumar ... Petitioner/Sole Accused

Vs.

1.State rep. By

The Inspector of Police,
All Women Police Station,
Thirumangalam,
In Crime No.115 of 2015,
Madurai District.

... 1st Respondent /Complainant

2.Mahalakshmi

... 2nd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in Spl.S.C.No.62 of 2017 pending before the learned Mahila Court, Madurai and quash the same.

For Petitioner : Mr.R.Aravindan
For R - 1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side).

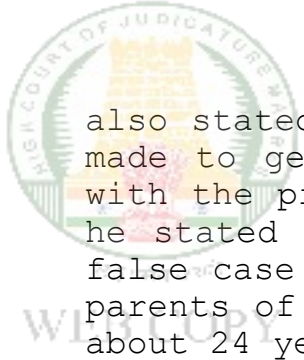
For R - 2 : Mr.R.Ganesan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.62 of 2017 on the file of the learned Mahila Court, Madurai, for the alleged offences under Section 417 of I.P.C., r/w 8 of POSCO Act in Crime No.115 of 2015 on the file of the first respondent.

2. In this case, it is seen that the defacto complainant and the petitioner had a liking to each other for some time. During this point of time, a complaint was given to the effect that the petitioner had sexual intercourse with the defacto complainant.

3. The defacto complainant is present before this Court and this Court examined her. The defacto complainant categorically stated before this Court that the petitioner did not commit any rape and they never had any physical intercourse. The defacto complainant



also stated that she is now 20 years old and arrangements are being made to get her married. Therefore, she does not want to continue with the present case. The petitioner is also present in person and he stated that the defacto complainant was in love with him and a false case was given against him due to the pressure exerted by the parents of the defacto complainant. The petitioner, who is now aged about 24 years, is going on his own way and doing business.

4. Under normal circumstances, this Court would not have entertained this compromise between the parties in a case registered under the POSCO Act. However, in the facts and circumstances of the case, it is seen that the defacto complainant denies the very incident itself and therefore, no useful purpose will be served by keeping the case pending. In fact by keeping the case pending, the life of the defacto complainant will be affected, since marriage has already been arranged for her and she is going to enter into a new life. The petitioner and the defacto complainant during their young age had some infatuation with each other and therefore, this is not a case where a minor has been forcibly abused or raped.

5. Taking into consideration the age of the petitioner and the defacto complainant and also their future life, this Court is satisfied that the powers under Section 482 of Cr.P.C can be invoked, in the interest of justice, to quash the final report which is pending in Spl.S.C.No.62 of 2017 on the file of the learned Mahila Court, Madurai. This is an exceptional case and this case cannot be cited as a precedent for any future cases and a decision was taken by this Court only based on the facts of this case.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.62 of 2017 on the file of the learned Mahila Court, Madurai, is quashed. The petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) 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 and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

ps

To

<https://hcservices.ecourts.gov.in/hcservices/>
1. The Judge Mahila court,
Madurai.



2.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.

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

Copy to
The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Aravindhan, Advocate in SR No.82735

Cr1.O.P(MD)No.11397 of 2018

NM/RSK/SAR 2/03.10.18/3P/6C