



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

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**THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**Crl.O.P.(MD) No.11502 of 2018

Rajesh Kumar

.. Petitioner

vs.

1. The Inspector of Police,  
Oomachikulam Police Station,  
Madurai District.  
Crime No.770 of 2004.

2. Vijaya @ Vijayalakshmi

.. Respondents

Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records and to quash the Charge Sheet in P.R.C.No.50 of 2016 pending on the file of the learned Additional Mahila Judge (Judicial Magistrate Level), Madurai in the nature and circumstances of the case and in the interest of Justice, equity and good conscience.

|                |   |                                                          |
|----------------|---|----------------------------------------------------------|
| For Petitioner | : | Mr.C.S.Saravanan                                         |
| For R1         | : | Mr.Prabhu Ramachandran<br>Government Advocate (Crl.Side) |
| For R2         | : | Mr.T.Venkatesh                                           |

**ORDER**

This petition has been filed seeking to quash the charge sheet filed in P.R.C.No.50 of 2016 pending on the file of the Additional Mahila Judge (Judicial Magistrate Level) Madurai.

2.The second respondent/defacto complainant has preferred a complaint before the first respondent and the same was registered in Crime No.770 of 2004 for the alleged offence punishable under Section 366-A IPC and subsequently altered to Sections 366-A and 376 IPC against the petitioner/sole accused. After completing investigation, the first respondent has filed charge sheet and the same has been taken on file in P.R.C.No.50 of 2016 by the Additional Mahila Judge (Judicial Magistrate Level), Madurai and for quashing the same, the petitioner and the defacto complainant are before this Court.

3.According to the petitioner, the petitioner and the daughter of the second respondent/defacto complainant viz., Sindhuja loved each other and both of them left their houses. Hence, the second respondent has lodged the complaint before the first



respondent stating that her daughter was found missing. At the time of lodging complaint, the daughter of the second respondent was a minor. Therefore, till she attains majority, the said Sindhuja was kept in a Home. After attaining majority, both the petitioner and the second respondent's daughters got married on 30.05.2005 at Raja Thirumana Mahal, Paramakudi and they have begotten two children viz., Haritha aged 13 years and Nishanth aged 6 years. The above said marriage was registered on 18.11.2010 with the Registrars of Marriages, Paramakudi and to that effect marriage certificate has also been produced. At this stage, both the parties have come before this Court seeking to quash the charge sheet filed in P.R.C.No.50 of 2016 pending on the file of the Additional Mahila Judge (Judicial Magistrate Level), Madurai, on the ground that they have arrived at compromise.

4.Today, when the matter was taken up for hearing, Mr.S.Muthukrishnan, the Special Sub Inspector of Police, Oomachikulam Police Station, Madurai District is present. The *defacto* complainant, the petitioner and the victim girl viz., Sindhuja are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.S.Muthukrishnan, the Special Sub Inspector of Police, Oomachikulam Police Station, Madurai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

5.The petitioner has filed a joint memo of compromise on 05.07.2018 along with the present quash petition, wherein, it is stated as follows:

*"8.It is submitted that the second respondent and the petitioner is now settled the matter amicably and compromise entered between them, further the 2<sup>nd</sup> respondent is also not willing to proceed further with the case since she has no grievance at all and to that effect the petitioner and the 2<sup>nd</sup> respondent/defacto complainant have filed joint memo of compromise; that may be treated as part and parcel of this affidavit.*

9.\*\*\*\*\*

It is therefore, prayed that this Hon'ble Court may be pleased to record this joint memo of compromise made by both the parties concerned and to quash the charge sheet in P.R.C.No.50 of 2016 pending on the file of the Additional Mahila Judge (Judicial Magistrate Level), Madurai in the nature of circumstances of the case. "

6.The learned Government Advocate (Crl.Side) appearing for the respondents submitted that trial in PRC No.50 of 2016 is yet to be commenced.

7.The learned counsel appearing for the petitioner, in support of his contention, has relied upon the order passed by this Court in **Crl.O.P.No.8795 of 2016 [S.Gopalakrishnan Vs. State by**



**Inspector of Police, West Police Station, Pollachi, Coimbatore District and another]** dated 30.06.2016, wherein, this Court has quashed the proceedings for the offences under Sections 366 and 376 (1) of IPC.

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8. Even though the alleged offences involved in the present case are non-compoundable in nature, considering the fact that now the victim girl viz., Sindhuja and the petitioner are living happily and they have two children and the second respondent/defacto complainant has also no objection to quash the case in PRC.No.50 of 2016 and also taking note of the order passed by this Court (supra), this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in P.R.C.No.50 of 2016 pending on the file of the Additional Mahila Judge (Judicial Magistrate Level), Madurai in respect of the petitioner/single accused are hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 05.07.2018 shall form part of this order.

10. In this case, the learned counsel appearing for the petitioner submitted that the petitioner is willing to contribute some amount to the Taluk Legal Services Committee, Dharapuram, Tiruppur District under the Head "Environmental Fund" to preserve the environment. Hence, petitioner is directed to remit a sum of Rs.5,000/- (Rupees five thousand only) as costs within a period of two weeks from the date of receipt of a copy of this order, by way of an **Demand Draft** drawn in favour of the Taluk Legal Services Committee, Dharapuram, who shall receive the said amount as "Environmental Fund" and make use of the said amount for the purposes mentioned in the order passed by this Court in **CRP (NPD) No.1643 of 2010 on 20.06.2018 [D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others]**. A report in this regard shall be sent by the Taluk Legal Services Committee, Dharapuram to the Member Secretary, Tamil Nadu State Legal Services Authority, Chennai, mentioning clearly the amounts spent towards the purposes mentioned in the above order and the balance amount left etc.,

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-II)



To

1. The Inspector of Police,  
Oomachikulam Police Station,  
Madurai District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
3. The Member Secretary, Tamil Nadu State  
Legal Services Authority, Chennai.
4. The Taluk Legal Services Committee,  
Dharapuram, Tiruppur District.

+1 CC to Mr.C.S.SARAVANAN, Advocate in SR.No.72745

MJ

RJ/RP/SAR-2/31/07/2018 - 4P/6C

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