



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.17537 of 2018

and

Crl.M.P. (MD)No.7765 of 2018

1.V.Sorimuthu
2.Eswariyammal
3.Muthulakshmi
4.Lakshmanan
5.Perumalammal

: Petitioners / Accused 1, 3 to 6

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Pudukottai,
Thoothukudi District
Crime No.11 of 2016

: 1st Respondent/Complainant

2.Petchiammal

: 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 Charge Sheet in Spl.S.C.No.46 of 2017 for an alleged offence under Section 9, 10 and 11 of Prohibition of Child Marriage Act 2006 Section 323 of IPC and Sections 5(1) r/w 6 of POCSO Act on the file of the Learned Special Judge for Mahil Court, Thoothukudi District and quash the same as illegal against the petitioners.

For Petitioners : Mr.M.Maran

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

For R-2 : Mr.Raja

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.46 of 2017, on the file of the Learned Special Judge, Mahil Court, Thoothukudi District.

2. The case is in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Even as per the statement given by the victim under Section 164 Cr.P.C. before the concerned Magistrate, she only speaks about her love relationship with the



first petitioner and no allegations have been made about any physical abuse and hence no offence under POCSO Act is attracted. She has gone to the extent of saying that the complaint itself was given only on the pressure exerted by her parents.

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the victim/ P.W.2 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. 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 Gujraht), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.46 of 2017.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.46 of 2017, on the file of the Learned Special Judge, Mahila Court, Thoothukudi District, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

Encl:Xerox copy of Joint Compromise Memo

To

1.The Special Judge,Mahila Court,Thoothukudi District.

2. The Inspector of Police,
All Women Police Station,
Pudukottai, Thoothukudi District

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

+1CC to Mr.M.Maran, Advocate, SR.No.88262

Cr1.O.P.[MD].No.17537 of 2018

03.10.2018

LS