



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.15951 of 2018

and

Cr1.M.P.(MD).No.7066 of 2018

1.Vasanthakumar

2.Jagan

3.Balaji

: Petitioners/Accused

Vs.

1.State Rep. by

The Inspector of Police

All Women Police Station,

Ramanathapuram.

(Crime No.32 of 2016)

: 1st Respondent/Complainant

2.Ilakiya

: 2nd Respondent/Defacto

Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Spl.S.C.No.8 of 2018 pending before the Principal District Court, Ramanathapuram and quash the charge sheet in Spl.S.C.No.8 of 2018.

For Petitioner : Mr.V.Vairam Santhosh

For Respondent No.1: Mr.K.Suyambulinga Bharathi

Government Advocate [Criminal Side]

For Respondent No.2: Mr.M.Arumugam

ORDER

The Criminal Original Petition has been filed to quash the Spl.S.C.No.8 of 2018 pending on the file of the Principal District Court, Ramanathapuram. The final report has been filed against the petitioners have the offences under Sections 341, 354, 294(b), 506(i) of IPC and 9(g), 10 of POCSO Act.

2.The learned counsel for the petitioner during the previous hearing submitting that the parties have decided to amicably settle the matter with each other. This Court therefore, directed the defacto complainant and her daughter who is the victim in this case to be present in Court today.

3.This Court personally enquired both the defacto complainant as well as her daughter namely Ilakiya about the incident. Both of them told that the first petitioner is a distant relative and due to some over enthusiasm, the incident had happened. Subsequently, all the petitioners came and apologies to the defacto complainant and her daughter and therefore the defacto



complainant had decided to withdraw the prosecution against the petitioners. The defacto complainant also informed the Court that her who is the minor has to go on with her life and she must not be exposed to unnecessary judicial proceedings.

4.This Court also enquired all the petitioners in person and all the petitioners expressed regret for the alleged incident. All these petitioners are aged about 25 years and they have long way ahead in life.

5.Taking into consideration the facts and circumstances of the case and also the settlement arrived at between the parties, this Court is of the view that no purpose will be served in keeping the proceedings pending. This Court is also convinced that this case will fall within the guidelines issued by the Honourable Supreme Court in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath)**.

6.Accordingly, this Criminal Original Petition is allowed and the Spl.S.C.No.8 of 2018 pending before the Principal District Court, Ramanathapuram, shall stands quashed. Each of the petitioners shall deposit a sum of Rs.2,500/- to the credit of the "Cancer Institute (WIA) Gandhi Nagar Canal Bank Road, Adyar, Chennai - 20" (payable in Account No.149710011000002, Savings Bank, Andhra Bank, Madhya Kailash Branch, Cancer Institute (WIA) Campus, Sardar Patel Road, Chennai - 36, Branch Name and Code: 1497, MICR No.600011049, IFSC Code: ANDB0001497), within a period of one week from the date of receipt of the copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The Principal District Judge, Ramanathapuram.
- 2.The Inspector of Police, All Women Police Station, Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



1.The Dean, The Cancer Institute (WIA)
Gandhi Nagar Canal Bank Road, Adyar, Chennai-20.
(payable in Account No.149710011000002, Savings Bank,
Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA)
Campus, Sardar Patel Road, Chennai - 36, Branch Name and
Code:1497, MICR No.600011049, IFSC Code: ANDB0001497)

2.The Resgistrar Judicial,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.V.VAIRAM SANTHOSH, ADVOCATE IN SR NO.87719
+ 1 CC TO MR.M.ARUMUGAM , ADVOCATE IN SR NO.87720

TM

BU/SKN/SAR-I :29.10.2018 : 3P/8C

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