



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.2432 of 2019

Andichamy ... Petitioner/Sole Accused
Vs.
1. The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.96 of 2015) ... 1st Respondent/Complainant
2.Natchi : 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records in pertaining to S.C.No.178 of 2017 on the file of the District and Sessions Court (Mahila), Madurai and quash the same as illegal.

For Petitioner : Mr.T.Vadivelan
For R-1 : Mr.V.Neelakanden
Government Advocate [Crl.Side]
For R-2 : Karthick Subramanian

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.178 of 2017 on the file of the District and Sessions Court (Mahila), Madurai, for an alleged offences under Sections 417, 376 and 506(i) IPC.

2. Though offences are heinous in character, the prosecutrix was aged about 19 years at the relevant time and that she intervened and submitted that there was only force by the accused, which she refused, that there were in love failure due to severe circumstances, that they have decided to part ways. The said statement of the prosecutrix is recorded.

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

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they



were identified by Ms.P.Kodimalar, WHC/642, All Women Police Station, Melur, Contact:9498182908. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the proceedings 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in S.C.No.178 of 2017 on the file of the District and Sessions Court (Mahila), Madurai.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.178 of 2017 on the file of the District and Sessions Court (Mahila), Madurai, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/- as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench), 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(AD-I)

/True Copy/

Sub Assistant Registrar

To

Encl:- Xerox copy of Joint Compromise Memo

- 1.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-48207[F] dated 19/02/2019)