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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Cr1.O.P.[MD]No.2715 of 2019

Periyaraja

: Petitioner / Sole Accused

/Vs./

State represented by

1.The Inspector of Police,

All Woman Police Station (AWPS),

Sivakasi, Virudhunagar District. : 1st Respondent / Complainant

[Crime No.2 of 2018]

2.Kaleeswari

: 2nd Respondent / *De facto* Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and to quash the First Information Report in Crime Number 2 of 2018 pending on the file of the 1st respondent police station.

For Petitioner : Mr.R.Karunanidhi

For R-1 : Mr.V.Neelkandan

Additional Public Prosecutor

For R-2 : Mr.P.Ponraj

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime Number 2 of 2018 pending on the file of the 1st respondent police station, for alleged offences under Sections 417 and 376 IPC.

2. The prosecutrix was born on 12.12.1995. The prosecutrix was 23 years old when the case was registered and her accusation was that the petitioner, on promise of marrying her has enticed her to have physical relationship with him.

3. Today, it is stated that they have married and since they have also begotten a baby, this Court also briefly interviewed the second respondent and the prosecutrix made a statement that she had physical relationship with the petitioner, who presently is her husband willingly on her own. Since the petitioner was a major at that time when the occurrence had taken place and since she even now reports that there was no forced-sex, no useful purpose will be served in keeping the FIR pending.



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.R.Chitra [HC529], Sivakasi All Woman Police Station. 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 FIR 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 **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat** [(2017) 9 SCC 641] and **The State of Madhya Pradesh Vs. Laxmi Narayan & Others CDJ** [2019 SC 264], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime Number 2 of 2018 pending on the file of the 1st respondent police station.

6. This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime Number 2 of 2018 pending on the file of the 1st respondent police station, 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 "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, IFSC Code.SBIN 0000898, M.I.C.R. Code.625002601, State Bank of India, Periyakulam),, 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

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
All Woman Police Station (AWPS),
Sivakasi, Virudhunagar District.



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

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+1CC TO MR.R.KARUNANIDHI, Advocate Sr. No. 57577

Crl.O.P.[MD]No.2715 of 2019

TR (10.04.2019) 3P C