



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

CrI.O.P. [MD]No.3468 of 2019

WEB COPY

Periyasamy

: Petitioner

Vs.

1. The State rep by

The Inspector of Police,
Koodakkovil Police Station,
Madurai District.

(Crime No.100 of 2015)

2. Ramar

3. Irulayee

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in Spl.S.C.No.164 of 2018 on the file of the learned Sessions / Mahalir Neethimandram, Madurai and quash the same.

For Petitioner : Mr.R.Jegadeeswaran

For R-1 : Mr.V.Neelakandan

Additional Public Prosecutor

For R-2 and R-3 : Mr.K.G.Arunkumar

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.164 of 2018, on the file of the Sessions / Mahalir Neethimandram, Madurai, for an alleged offences under Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012. The prosecutrix is said to have alleged eloped with the accused and alleged to have physical relationship with him voluntarily. After attaining majority, she had married the petitioner and now they have a baby.

2. 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.

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second and third respondents and also by their respective counsel. The petitioner and the second and the third respondents were also present in person before this Court and they were identified by A.Ramkumar, Sub-Inspector of Police, Thirumangalam Town Police Station, Madurai, Contact No.8300058561. 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 ***the State of Madhya Pradesh Vs. Laxmi Narayan & Others*** [CDJ 2019 SC 264] and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** [(2017) 9 SCC 641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.164 of 2018.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.164 of 2018, on the file of the Sessions / Mahalir Neethimandram, 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.1000/-, as costs, to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, 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)

To

- 1.The Inspector of Police,
Koodakkovil Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

- 1.The District Siddha Medical Officer,
CCRI, Periyakulam.
- 2.The Section Officer,
Criminal section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Jegadeeswaran, Advocate, SR.No.55857

CrI.O.P.[MD]No.3468 of 2019
21.03.2018

SP/23.04.2019/2P/6C