



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**
Cr1.O.P. [MD] No. 3845 of 2019

WEB COPY

1. Suriyaprakash
2. Vijaya
3. Sowntharya
4. Suriya Bharathi : Petitioners / Accused Nos. 1 to 4
Vs.

1. The State represented by
the Inspector of Police,
All Women Police Station, Thirupathur,
Sivagangai District.
(Crime No. 8 of 2018)

2. The State represented by
The Inspector of Police,
All Women Police Station
Thirumayam, Pudukottai District. : Respondent / Complainants

3. Malar : 3rd Respondent / De facto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the First Information Report in Crime No. 8 of 2018, on the file of the first and second respondent Police and quash the same.

For Petitioners : Mr. S. M. Anantha Murugan
For R-1 & R-2 : Mr. V. Neelakanden
Government Advocate [Cr1.Side]

For R-3 : Mr. S. Balaji

ORDER

The Criminal Original Petition has been filed to quash the F.I.R. in Crime No. 8 of 2018, dated 30.09.2018, pending on the file of the respondent Police for the alleged offences under Sections 417, 376, 328, 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. The offences are primarily private in nature.

2. The case itself says that on a promise to marry the *de facto* complainant, the first accused had physical relationship with her. The case is still in the stage of investigation.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Today, the learned Additional Public Prosecutor submitted that the first accused has married the *de facto* complainant. The



Sexual Act alleged in the First Information Report is consensual by both who have indulged in the act and now married and 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 petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mrs.K.A.Podhumani, Sub Inspector of Police, All Women Police Station, Thirupathur, Sivagangai District. 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 **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** [(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 F.I.R. in Crime No.8 of 2018, dated 30.09.2018, pending on the file of the respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the F.I.R. in Crime No.8 of 2018, dated 30.09.2018 pending on the file of the respondent Police, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of Rs.500/- 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)

tsg

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1.The Inspector of Police,
All Women Police Station, Thirupathur,
Sivagangai District.



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

WEB COPY

- 3 .The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section, Madurai Bench of Madras High Court,
Madurai. (2 copies)

COPY TO

The District Siddha Medical Officer,
CCRI, Periyakulam.

+1CC TO MR.S.M.ANANTHA MURUGAN, Advocate Sr. No. 54503

Crl.O.P. [MD]No.3845 of 2019
14.03.2019

SE (CO)

TR (02.05.2019) 3P 8C