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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.4707 of 2019**

Srinivasan : Petitioner/Sole Accused

Vs.

1.State Rep by  
The Inspector of Police,  
Elayangudi Station,  
Sivagangai District.  
(Crime No.232 of 2017) :1<sup>st</sup> Respondent/Complainant

2.Murugan :2<sup>nd</sup> Respondent/Defacto Complainant

3.Sangiri @ Manosankari : 3<sup>rd</sup> Respondent/Victim

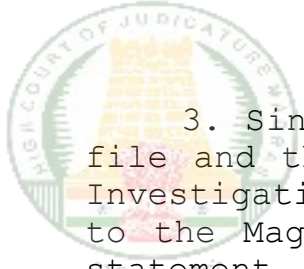
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in Spl.S.C.No.49 of 2018 on the file of the Fast Track Mahila Court, Sivagangai and quash the same.

For Petitioner : Mr.M.Arumugam  
For R-1 : Mr.V.Neelakandan,  
Additional Public Prosecutor.  
For R-2 and R-3 : Mr.S.Sivabalan

**ORDER**

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.49 of 2018 on the file of the Fast Track Mahila Court, Sivagangai, for the alleged offences under Section 506 (i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The offence is chiefly private in nature.

2. The learned counsel for the petitioner submitted that the second respondent had loved the petitioner, who is her relative and her parents began to prepare for marriage with another person, she had eloped with the petitioner. The learned counsel for the petitioner submitted that now the petitioner and the second respondent have married with the consent of their parents and are leading a peaceful life.



3. Since the offence is heinous, this Court went through the CD file and the statement given under Section 161 (3) Cr.P.C., to the Investigating Officer and the one given under Section 164 Cr.P.C., to the Magistrate. Though 161 (3) statement is apparent that the statement of the prosecution that there was physical relationship between the petitioner and the second respondent, the statement she has made under Section 164 Cr.P.C., there is a positive statement that she at her own volition has left her house to live with her lover and that there was no physical relationship between them.

4. Today, this Court also interviewed the second respondent, who submitted that just to show her love for the petitioner she had gone with him, and there was no physical relationship prior to she attaining the age of majority. Records also indicate that the second respondent was well into her seventeen and was only few months are left for her to complete eighteen years. Taking an over all view of the matter, even though the offence is heinous in nature, it part takes a character of private offence, more so because of the girl makes the statement that there was no physical relationship between them, this Court is inclined to quash the proceedings since by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. 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 Mr.Sakthivel, Sub-Inspector of Police, Elayangudi Police Station, Sivagangai District, Contact No.83000 63488. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings pending, even though, the offence involved is 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.49 of 2018 on the file of the Fast Track Mahila Court, Sivagangai.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.49 of 2018 on the file of the Fast Track Mahila Court, Sivagangai 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 "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 (Crl Side)

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// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Judge, Fast Track Mahila Court, Sivagangai
- 2.The Inspector of Police,  
Elayangudi Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Copy to:

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

+1cc to Mr.M.Arumugam, Advocate, SR.No.57528

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**28.03.2019**

**TA**

**KK/SAR/14.05.2019/ 2P- 8C**