



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE****Crl.O.P. [MD]No.4912 of 2019**

WEB COPY

Othasai Raja @ Otthasai Raja : Petitioner / Sole Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Srivaiguntam, Thoothukudi District.
: 1st Respondent / Complainant
(Crime No.15 of 2018)

2.Selvam : 2nd Respondent / De facto complainant

3.Hebzibai @ Hebzibai Nesamani : 3rd Respondent / Victim girl
(Wrongly mentioned as Ephibai Nesamani
in the final report)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the charge sheet in Spl.S.C.No.100 of 2018, on the file of the learned Mahila Court, (Fast Track Court), Thoothukudi and quash the same.

For Petitioner : Mr.S.Mandhiralingeswaran

For R-1 : Mr.V.Neelakanden
Government Advocate [Crl.Side]

For R-2 & R-3 : Mr.R.Ramachandran

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.100 of 2018, on the file of the learned Mahila Court, (Fast Track Court), Thoothukudi for the alleged offences under Sections 5 (j) (ii), 5 (1), 6, 5(n) of POSCO Act and Section 313 I.P.C.

2. The case is still in the stage of investigation. It is submitted that the girl has eloped with the boy. They were living, and they were socially, economically and educationally so backward that they did not know the law, the girl has eloped with the boy and married. The statement given by the Additional Public Prosecutor under Section 164 Cr.P.C. does not indicate the physical relationship with the boy. 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, the second respondent and the third respondent were also present in person before this Court and they were identified by Mrs. Murugeswari, Head Constable, All Women Police Station, Srivaiguntam, Thoothukudi District. 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 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 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 proceedings in Spl.S.C.No.100 of 2018, pending on the file of the learned Mahila Court, (Fast Track Court), Thoothukudi.

5. Taking into account, the over all facts and circumstances of the case, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.100 of 2018, pending on the file of the learned Mahila Court, (Fast Track Court), Thoothukudi, 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 (CS-III)

/ True Copy /

Sub Assistant Registrar(CS)

Encl:Xerox copy of Joint Compromise Memo

Tsg

To

1.The Mahila Judge,
(Fast Track Court), Thoothukudi,

2.The Inspector of Police,
All Women Police Station,
Srivaiguntam, Thoothukudi District.



3.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.(2 Copies)

+1 CC to M/s.S.MANDHIRA LINGESHWARAN, Advocate
(SR-59108[F] dated 04/04/2019)

Crl.O.P.[MD]No.4912 of 2019
04.04.2019

ES/30.04.2019/3P/8C