



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.5110 of 2019

1.Iyappan
2.Shanthi
3.Rajendran

: Petitioners

Vs.

1.The Inspector of Police,
Thirumangalam AWPS Police Station,
Thirumangalam,
Madurai District.
Crime No.13 of 2018

2.Meenakshi

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the final report in P.R.C.No.2 of 2019 pending on the file of the learned Judicial Magistrate, Thirumangalam and quash the same on the ground of compromise entered in between the petitioners and the second respondent dated 24.03.2019.

For Petitioner : Mr.A.Balaji

For R-1 : Mr.V.Neelakandan,
Additional Public Prosecutor.

For R-2 : Mr.I.Velpradeep

ORDER

The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.2 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam, for the alleged offences under Section 451, 376, 406, 294(b) and 506(ii) IPC. The offence is chiefly private in nature.

2. The prosecutrix and the petitioner were in love and in the FIR it is stated that on a promise of marriage, the petitioner had physical relationship with the prosecutrix. The statement is now made that both the petitioner and the prosecutrix have since married and living together. The prosecutrix was present before this Court. This Court intervened her and she has also stated the same. 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 petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.G.Sangeetha, All Woman Police Station, Thirumangalam. 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, in view of the fact that the sexual intercourse alleged was done with the consent of the women about the age of eighteen years and in view of the fact that she has married the very man, who according to her cheated her on a promise of marriage, 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 P.R.C.No.2 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.2 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam 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.1,000/-, each 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)

/TRUE COPY/

Sub Assistant Registrar(CS)

Encl:Xerox copy Joint Compromise Memo.

To

1.The Judicial Magistrate,
Thirumangalam.

2. The Inspector of Police,
Thirumangalam AWPS Police Station,
Thirumangalam,
Madurai District.



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

WEB COPY

Copy to:

The District Siddha Medical Officer,
CCRI, Periyakulam.

+2 CC to M/s.A.BALAJI, Advocate (SR-58985[F] dated 04/04/2019)

Crl.O.P.[MD]No.5110 of 2019

KK:03/05/2019/3P/7C