



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.5847 of 2019

1.Rajasekar
2.Muthulakshmi
3.Muthu

: Petitioners

Vs.

1.The State rep by
Sub Inspector of Police,
All Women Police Station,
Madurai Town.
(Cr.No.12 of 2017)

2.Sangavi

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the case in C.C.No.2 of 2018 pending on the file of the Mahila Court, Madurai and quash the same.

For Petitioners	: Mr.S.Muthukumar
For R-1	: Mr.V.Neelakandan, Additional Public Prosecutor.
For R-2	: Mr.S.Sundarapandian

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.2 of 2018 on the file of the District and Mahila Court, Madurai, for the alleged offence under Sections 452, 427, 323, 506 (I) IPC, 5(1), 6 of the Prevention of Children from Sexual Offence Act, Sections 9, 10 and 11 of CH MRG Act, 2006. The offence is chiefly private in nature.

2.The learned counsel for the petitioners submitted that the prosecutrix loved her own aunt's son and as her parents tried to separate the lovers, she eloped with the boy. Since both are inadequately educated and also not aware of the consequences, they married. Now the boy and the girl lived together as a happily married couple.

3.Today, the prosecutrix is present and this Court briefly interviewed her. She submitted that soon after registration of the case, she was removed from the custody of her husband and the police has taken the girl before the learned Magistrate. She added that after she attains majority, she again married the same man and



now they are happily living and also they have a baby. 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.

4. 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 the police attached to the respondent police Station. 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 in C.C.No.2 of 2018 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 Gujrat** [(2017) 9 SCC 641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.2 of 2018 on the file of the Mahila Court, Madurai.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2 of 2018 on the file of the Mahila Court, Madurai 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 (T & P)

// True Copy //

Sub Assistant Registrar (CS)

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ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1.The Sub Inspector of Police,
All Women Police Station,
Madurai Town.

2.The Additional Public Prosecutor,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai Bench of Madras High Court,
Madurai.



3.The Officer Incharge,
District Siddha Medical Officer,
CCRI, Periyakulam.

+1CC TO MR.S.MUTHUKUMAR, Advocate Sr. No. 63458

Crl.O.P.[MD]No.5847 of 2019

NRK(CO)

TR (28.05.2019) 3P 5C