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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.5987 of 2019

R.Velmurugan : Petitioner

Vs.

1.The State through
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(Cr.No.1094 of 2015)

2.G.Mariappan
3.Surya Durga : Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.C.No.61 of 2018 on the file of the learned District and Sessions Court (Mahila Court), Madurai and consequently quash the same as against the petitioner.

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

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.61 of 2018 on the file of the District and Sessions Court (Mahila Court), Madurai first respondent police, for the alleged offence under Sections 366 (A) IPC r/w Section 5 of Protection of Children from Sexual Offence Act. The offence is chiefly private in nature.

2.The learned counsel for the petitioner submitted that the prosecutrix loved the petitioner and 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 are living together as a happily married couple and also now they have a baby.

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 attain 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.

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4. 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 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 S.C.No.61 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 Gujrath*** [(2017) 9 SCC 641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in S.C.No.61 of 2018 on the file of the District and Sessions Court (Mahila Court), Madurai.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.61 of 2018 on the file of the District and Sessions Court (Mahila Court), Madurai 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 (T & P)

// True Copy //

Sub Assistant Registrar(CS)

Ta

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

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

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

+1CC TO MR.K.PAL MURUGAN, Advocate Sr. No. 63264

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NRK(CO)
TR (28.05.2019) 3P 5C

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