



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.6107 of 2019

WEB COPY

1.Dinesh
2.Ramar
3.Packiajothi @ Jothi : Petitioners/Accused Nos. 1 to 3

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station South,
Madurai,
In Crime No.8 of 2016 :Respondent /Complainant

2.Elakkiya : Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in S.C.No.368 of 2017 on the file of the Mahalir Sessions Judge, Madurai and quash the same against the petitioners / accused.

For Petitioners : Mr.R.Venkateswaran

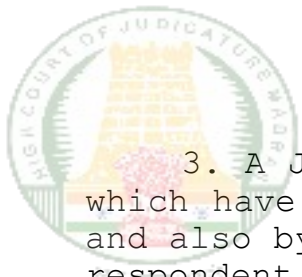
For R-1 : Mr.V.Neelakandan,
Additional Public Prosecutor.

For R-2 : S.Sabari Karpura Jothi

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.368 of 2017 on the file of the learned Mahalir Sessions Judge, Madurai, for the alleged offence under Sections 417 and 376 IPC against the first petitioner and Section 506 (I) IPC against the second and the third petitioners.

2. The case is registered against three accused persons. It is a case of consented sex and the prosecutrix has since been married to another person. The prosecutrix is present and made a statement that it is a consented sex. The only aspect is whether the physical relationship is on false representation by the prime accused. Since the prosecutrix does not want to contest this core area the entire case assumes the character of private nature. 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 Mr.V.Vanaja, Sub-Inspector of Police, All Women Police South Station, Madurai Contact No:94981 79588. 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 in S.C.No.368 of 2017 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.368 of 2017 on the file of the learned Mahalir Sessions Judge, Madurai.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.368 of 2017 on the file of the learned Mahalir Sessions Judge, 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

/ True Copy /

Sub Assistant Registrar(CS-)

Encl: Xerox copy of Joint Compromise Memo

ta

To

1.The Mahalir Sessions Judge,
Madurai.

2. The Inspector of Police,
All Women Police Station South,
Madurai.



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

Copy To:

1. The District Siddha Medical Officer,
CCRI, Periyakulam.
(Payable in Account No.10767823177, SBI, Periyakulam)

2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.R.VENKATESWARAN, Advocate
(SR-63053[F] dated 26/04/2019)

Crl.O.P. [MD]No.6107 of 2019

ES/11.06.2019/3P/8C