



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]No.6112 of 2019

WEB COPY

1.Murugeswaran
2.Radhakrishnan

: Petitioners

Vs.

1.The State,
Rep. by the Inspector of Police,
Karimedu Police Station,
Madurai City,
Madurai District
(Cr.No.689 of 2016)

2.Nagarajan
3.Pandiselvi

: Respondents

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.32 of 2018 pending on the file of the Additional District and Sessions Court, Mahila Court, Madurai and quash the same as against the petitioners / accused.

For Petitioners	: Mr.R.Venkateswaran
For R-1	: Mr.V.Neelakandan, Additional Public Prosecutor.
For R-2 and R-3	: Mr.S.Sabbani Karpura Jothi

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.32 of 2018 on the file of the Additional District and Sessions Court, Mahila Court, Madurai, for the alleged offence under Sections 366 (A) IPC and 5 (1) and 6 of the Protection of Children from Sexual Offences Act, 2012 against the first petitioner / first accused and Section 366 IPC r/w 17 of the Protection of Children from Sexual Offences Act, 2012 against the second petitioner / second accused. The offence is chiefly private in nature.

2.The learned counsel for the petitioners submitted that the prosecutrix loved the first petitioner 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 and the girl made a statement that soon after the marriage, she was taken into the custody of the police and also produced before the Magistrate, before whom she stated that she did not have any physical relationship.

4. Now the girl has attained majority and she married the same man earlier loved and they are living happily. 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.

5. 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.P.Muthiah, Special Sub-Inspector of Police, Karimedu Police Station, Madurai City, Contact No.94981 79659. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

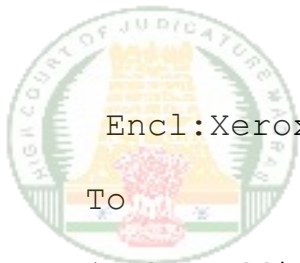
6. Under such circumstances, no useful purpose will be served in keeping the proceedings in S.C.No.32 of 2018 pending, even though, the offence involved is not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in the State of Madhya Pradesh Vs. Laxmi Narayan & 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 S.C.No.32 of 2018 on the file of the Mahila Court, Madurai.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.32 of 2018 on the file of the Additional 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 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 //



Encl:Xerox Copy of Joint Compromise Memo.

To

1.The Additional District and Sessions Court,
Mahila Court, Madurai

2.The Inspector of Police,
Karimedu Police Station,
Madurai City,
Madurai District

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

4.The District Siddha Medical Officer,
CCRI, Periyakulam

Copy to: The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.K.VENKATESWARAN, Advocate, SR.No.63055

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