



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CrI.O.P.[MD]No.6343 of 2019

Esakkiraja

: Petitioner / Sole Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Srivaigundam,
Thoothukudi District.

: 1st Respondent / Complainant

2.Sornam

: 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with the Spl.S.C.No.22 of 2017 on the file of the Mahila Court, Thoothukudi and set aside the same.

For Petitioner : Mr.M.Veilkani Raju
For R-1 : Mr.V.Neelakandan,
Additional Public Prosecutor.
For R-2 : Mr.N.S.Ramakrishnadass

ORDER

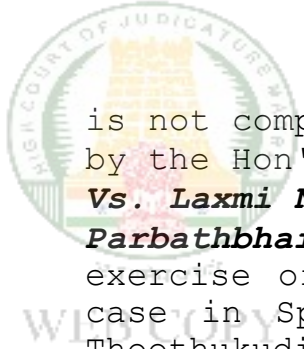
The Criminal Original Petition has been filed to quash the case in Spl.S.C.No.22 of 2017 on the file of the Mahila Court, Thoothukudi for the alleged offences under Sections 7 and 8 of POCSO Act. The offence is chiefly private in nature.

2.The learned counsel appearing for the petitioner submitted that due to non-payment of salary, this complaint has been lodged.

3.At any rate, the offence is minor offence. The case is still in the stage of trial. 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 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 Mr.G.Selvi, WHC-1637, All Women Police Station, Srivaigundam, Thoothukudi District, Contact No.94981 95278. 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 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 case in Spl.S.C.No.22 of 2017 on the file of the Mahila Court, Thoothukudi.

6.This Criminal Original Petition stands allowed and as a sequel, the case in Spl.S.C.No.22 of 2017 on the file of the Mahila Court, Thoothukudi, 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/-, 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Enclose: Xerox Copy of Joint Compromise Memo.

To

1.The Mahila Court Judge,
Thoothukudi.

2.The Inspector of Police,
All Women Police Station,
Srivaigundam,
Thoothukudi District.

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

Copy to: The District Siddha Medical Officer,
CCRI, Periyakulam.

+1 CC to Mr.M.VEILKANIRAJU, Advocate SR-63640.

Cr1.O.P. [MD]No.6343 of 2019

CS: (11/06/2019) 2P C