



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) .No.11626 of 2019
and
Crl.M.P.(MD)No.7311 of 2019

V. Iyyappan : Petitioner/Accused

Vs.

1.The Inspector of Police
Colachel Police Station,
Kanyakumari District. : Respondent/Respondent

2.Yesupatham : Respondent/Defacto Complainant

3. Flower Bella : Respondent/Alleged Victim

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in Special S.C.No.31 of 2019 pending on the file of the Mahila Court, Nagercoil, Kanyakumari district and quash the same.

For Petitioner : Mr.R.Anand

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

For R2 & R3 : Mr.P.Samuel Gunasingh

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in in Special S.C.No.31 of 2019 pending on the file of the Mahila Court, Nagercoil, Kanyakumari District.

2. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



3.The learned counsel for the petitioner would submit that the petitioner fell in love with the third respondent/victim and after attaining majority, they got married and the marriage also registered before the Registrar, Venkateswarapuram, dated 23.04.2019. After the marriage, both are living together happily.

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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 third respondents and also by their respective counsel. The petitioners and the second and third respondents were also present in person before this Court and they were identified by Ms.Gladis Sobhaiua, WHC. 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 is pending before the respondent police. Even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Special S.C.No.31 of 2019 pending on the file of the Mahila Court, Nagercoil, Kanyakumari District.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C.No.31 of 2019, on the file of the Mahila Court, Nagercoil, Kanyakumari District, is quashed and the terms of affidavit of the second and third respondents which shall form part and parcel of this order. The petitioner shall pay a sum of Rs.5,000/- (Rupees One Thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), 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. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Enclose: Xerox Copy of Joint Compromis Memo.



To

- 1.The Mahila Court,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

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12.09.2019

CS(30.09.2019) 3P 5C