



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.12167 of 2019

Ruban ... Petitioner/ Sole Accused

Vs.

- 1.State rep. by
The Inspector of Police,
North Police Station
Tuticorin, Tuticorin District.
(Crime No.79 of 2018) ... 1st Respondent / Complainant
2. S.Ravisankar ... 2nd Respondent/ *De facto*
Complainant
- 3.Mari Sangeetha ... 3rd Respondent/ Victim Girl

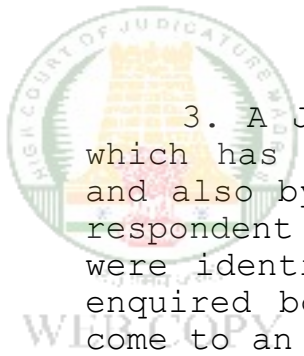
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the Charge sheet in Special S.C.No.72 of 2018 on the file of the Mahila Court, Tuticorin against Crime No.79 of 2018 on the file of the 1st Respondent and quash the same.

For Petitioner	: Mr.C.Mayil Vahana Rajendran
For R-1	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl. Side)
For R-2	: Mr.V.Malaiyendran

O R D E R

The Criminal Original Petition has been filed to quash the Charge sheet in Special S.C.No.72 of 2018 on the file of the Mahila Court, Tuticorin against Crime No.79 of 2018 on the file of the 1st Respondent, for the offences under Sections 366(A) and 493 of IPC and Section 6 of POCSO Act, 2012 @ 336 (A) and 493 of IPC and Section 5(1) r/w 6 of POCSO Act, 2012.

2. The case is under trial. 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 has 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.Iyyampillai, S.I. of Police. 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 First Information Report pending, 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 Gujarat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in S.C.No.72 of 2018.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.72 of 2018 on the file of the Mahila Court, Tuticorin against Crime No.79 of 2018, is quashed and the terms of affidavit of the de facto complainant which shall form part and parcel of this order. The petitioner shall pay a sum of Rs.5000/- (Rupees Five 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.

Sd/-

Assistant Registrar

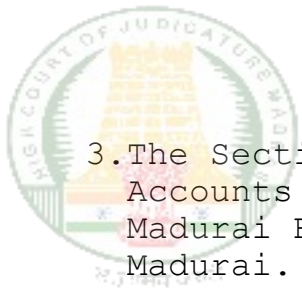
// True Copy //

Sub Assistant Registrar(CS)

Enclose: Xerox Copy of Joint Compromise Memo.

To

1. The Inspector of Police,
North Police Station
Tuticorin, Tuticorin District.
(Crime No.79 of 2018)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



3.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C. MAYIL VAHANARAJENDRAN, Advocate SR-85418.

Order made in
Crl.O.P. (MD) .No.12167 of 2019

Dated:
05.09.2019

CS(26.09.2019) 3P 7C