



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2019**

CORAM:

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

Crl.O.P. (MD) .No.21646 of 2018

and

Crl.M.P. (MD) .Nos. 10032 & 10033 of 2018

Sahayaraj

... Petitioner/Accused

Vs.

1. State through its
Inspector of Police,
All Women Police Station,
Srivaikundam, Tuticorin District.

2. Vennila ... Respondents/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in Spl.case No.14 of 2017, on the file of the Mahila Court, Tuticorin and quash the same as against this petitioner / Accused in Spl.Case No.14 of 2017, on the file of the Mahila Court, Tuticorin.

For Petitioner : Mr.KA.Raamakrishnan

For R-1 : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl. side)

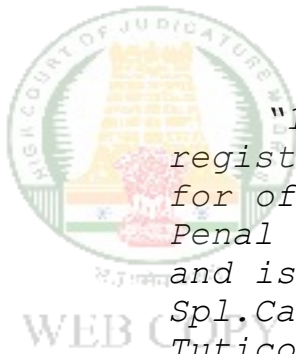
ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl. Case No.14 of 2017, on the file of the Mahila Court, Tuticorin.

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.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 Ms.Ananthapoomari, Head Constable. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.The petitioner and the second respondent have filed a joint compromise memo, dated 15.10.2019, wherein, it is stated as



"1.It is submitted that the first respondent Police has registered a case in Crime No.13 of 2016, dated 07.05.2016 for offences under Sections 417, 376, 506 (ii) of the Indian Penal Code @ 4 and 6 of POCSO Act and final report is filed and is pending before the learned Mahila Court, Tuticorin in Spl.Case No.14 of 2017, on the file of the Mahila Court, Tuticorin, Tuticorin District.

2.It is submitted that the compromise is reached between the petitioner / Accused and the second respondent has given an undertaking that he is not interested in proceeding further in the above case.

3.It is submitted that the de facto complainant herein does not have any objection in quashing the above case.

In the above circumstances, it is therefore prayed that this Hon'ble Court may be pleaded to call for the records in Spl.Case No.14 of 2017, on the file of the Mahila Court, Tuticorin and quash the same as against this petitioner / Accused in Spl.Case No.14 of 2017, on the file of the Mahila Court, Tuticorin and pass such order or orders as this Hon'ble Court may deem fit and proper and thus render justice."

5.The second respondent / de facto complainant has also filed an affidavit before this Court, wherein, it is stated as follows:

"I, Vennila, D/o. Menakaraj, Hindu, aged about 21 years residing at Polpettai, Tuticorin, now temporarily come down to Madurai, do hereby solemnly affirm and sincerely state as follows:

1.I am the second respondent / de-facto complainant herein and as such I am well acquainted with the facts of the case.

2.I submit that I am the de-facto complainant in the above criminal case. On 07.05.2017, I gave a complaint to the first respondent Police against the petitioner herein and the same, the case was registered in Crime No.13 of 2016, for the offences under Sections 417, 376 and 506 (ii) of the Indian Penal Code @ 4 and 6 of POCSO Act and final report is filed and is pending before the learned Mahila Court, Tuticorin in Spl.Case No.14 of 2017, on the file of the Mahila Court, Tuticorin, Tuticorin District.



3.I submit that during the pendency of criminal case a compromise was reached between me and the petitioner herein in the presence of Mediators, who are all well-wishers of our families on 10.09.2019. In the light of above compromise, I have been decided to resolve the above said issues and I have decided not proceed with the criminal case further and either against the petitioner herein.

4.I submit that, in view of above compromise myself and the petitioner herein have decided not to interfere with personal life of each other with any issue claim with regard to in this criminal case also. I had given undertaken that I am not interested to proceed with the criminal case hereafter at any point of time against the petitioner herein.

In the above circumstances, it is therefore prayed that this Hon'ble Court may be pleased to quash the criminal case in Spl.Case No.14 of 2017, on the file of the Mahila Court, Tuticorin, Tuticorin District in pursuant to Memorandum of Compromise dated 15.10.2019 and pass such further or other orders as this Hon'ble Court may deem fit proper in the circumstances of the case and thus render justice."

6.Under such circumstances, no useful purpose will be served in keeping the proceedings pending before the concerned Court, 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 Spl. Case No.14 of 2017, pending on the file of the learned Mahila Court, Tuticorin.

7.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl. Case No.14 of 2017, pending on the file of the learned Mahila Court, Tuticorin is quashed and the terms of the joint compromise memo and the affidavit of the second respondent / de facto complainant 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 and further



only) to the second respondent herein within a period of one week from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

Encl:Xerox copy of joint compromise memo

tsg

To

1. The Mahila Court, Tuticorin.
2. The Inspector of Police,
All Women Police Station,
Srivaikundam, Tuticorin 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.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-92656[F] dated 17/10/2019)

Crl.O.P. (MD) .No.21646 of 2018
15.10.2019

KM/(24.10.2019) 4P 6C