



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

WEB COPY

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

Crl.O.P. (MD) .No.14356 of 2019

1. D. Madhusajin
2. S. Viju ... petitioners/Accused Nos.1 & 2

Vs.

1.State rep. by,
the Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No. 9 of 2017) ... 1st respondent/Complainant

2. Usha ... 2nd respondent/Defacto Complainant

3. A. Murugeshwari ... 3rd respondent/victim girl

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in Spl. S.C. No. 34 of 2017 pending before the file of the Mahila Court, Nagercoil, Kanyakumari District and quash the same.

For petitioners : Mr.G.V. Vairam Santhosh

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

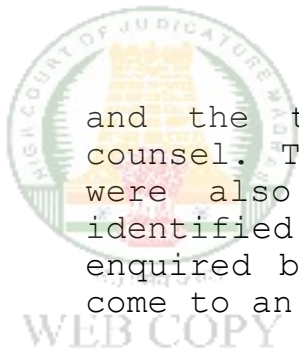
For R2 & R3 : Mr.N. Jothivel

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl. S.C. No. 34 of 2017 on the file of the Mahila Court, Nagercoil, Kanyakumari District for an alleged offences under Sections 366(A) of IPC and Section 5(i) r/w 6 and 17 of POCSO Act.

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 petitioners and the second respondent
<https://hcservices.ecourts.gov.in/hcservices/>



and the third respondent/victim girl also by their respective counsel. The petitioners and the second respondent and the victim were also present in person before this Court and they were identified by M/s.Santhakumari, Inspector 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 case, 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl. S.C.No. 34 of 2017.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl. S.C.No. 34 of 2017 on the file of the learned Mahila Court, Nagercoil, is quashed and the terms of joint compromise memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.25,000/-each to the victim and also 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

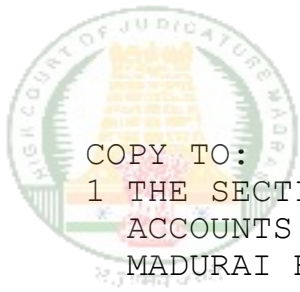
Enclosure: Xerox copy of Joint Compromise Memo.

ksa

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



COPY TO:

1 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 COPIES)

+1 CC to M/s.G.V. VAIRAM SANTHOSH, Advocate (SR-91833[F] dated
15/10/2019)

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JM/30.10.2019/3P/8C