



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.15879 of 2019

Ebi @ Ebenesar @ Rajesh Kumar

: Petitioner/Sole Accused

Vs.

1. The Inspector of Police
All Women Police Station
Thoothukudi

: Respondent/Complainant

2.N.Subramanian

: Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records from the Mahila Court, Thoothukudi in Spl.S.C.No.48 of 2016 and quash the same as it has no prima facie case against the petitioner.

For Petitioner

: Mr.G.Radhakrishnan

For R-1

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl. side)

For R-2

: Mr.R.Ayyappan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.48 of 2016 on the file of the Mahila Court, Thoothukudi for an alleged offences under Sections Girl Missing @ 363 of IPC and Section 5(1) r/w.6 of Protection of Children from Sexual Offences 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 Mrs. Sakayarani, Gr.I, 603. 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 Gujrath), this



Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.48 of 2016.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.48 of 2016 on the file of the Mahila Court, Thoothukudi, is quashed and the terms of joint compromise memo 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. Further the petitioner is also directed to pay a sum of Rs.25,000/-(Rupees Twenty Five thousand only) to the second respondent.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

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.

+1 CC to M/s.G.RADHAKRISHNAN, Advocate SR-95786.

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