



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.15887 of 2019

Karuppasamy

... Petitioner/Sole Accused

Vs.

1. The Inspector of Police
Ettayapuram Police Station
Thoothukudi District

...1st Respondent/Complainant

2.Jeyachitra ...2nd Respondent/Defacto Complainant

3.Aarthiswari ... 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 Spl.S.C.No.27 of 2018 on the file of the Mahila Court, Thoothukudi and quash the same.

For Petitioner : Mr.V.Malaiyendran

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

For R-2& 3 : Mr.Paul Muruges

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.27 of 2018 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 Mr. Vijayakumar, SI 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 Gujrat), this



Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.27 of 2018

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.27 of 2018 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 marry the victim as per the undertaken given by him and if he fails to do so, the trial court shall proceed in accordance with law.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Mahila Court, Thoothukudi

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

3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

4. The Inspector of Police
Ettayapuram Police Station
Thoothukudi District

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-95386[F] dated 01/11/2019)

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01.11.2019

aav

KK/SAR/18.11.2019/2P-8C/

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