



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.16608 of 2019

Marimuthu	... Petitioner/Sole Accused
	Vs.
1.State rep. by The Inspector of Police, South Police Station Tuticorin District. Crime No.108/2018	... 1 st Respondent/Complainant
2. Ramajeyam	... 2 nd Respondent/Defacto Complainant
3.Muthuselvi	... 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.71 of 2018 on the file of the Mahila Court, Tuticorin against Crime No. 108 of 2018 on the file first respondent and quash the same.

For Petitioner : Mr.V.Malaiyendran

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.S.C.No.71 of 2018 on the file of the Mahila Court, Tuticorin for an alleged offences under Sections 366(A), 493 of IPC and Section 5(1) and 6 of Protection of child 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 and third respondents and also by their respective counsel. The petitioner and

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the second and third respondents were also present in person before this Court and they were identified by Mr.Ramalingam, SSI 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.71 of 2018.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.71 of 2018 on the file of the Mahila Court, Tuticorin , 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), and file a photocopy of the receipt along with the memo reporting compliance before the Registry/1st respondent and the trial court on or before 21.11.2019, failing which, this order automatically stands cancelled without further reference to this Court and the trial court can proceed with the trial in Spl.S.C.No.71 of 2018.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

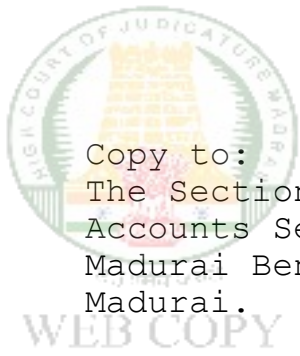
Sub Assistant Registrar(CS)

aav

Encl: Xerox copy of the Joint Compromise Memo

To

1. The Mahila Court, Tuticorin
2. The Inspector of Police,
South Police Station
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.V. MALAIYENDRAN, Advocate (SR-97858[F] dated
13/11/2019)

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JMN(14.11.2019) 3P : 6C