

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.No.32622 of 2019

And

CRL.MP.No.17979 of 2020

F.Allen Leeber Castro ...Petitioner/Accused)

Vs.

1.State Rep by
The Inspector of Police
W-31, All Women Police Station,
St.Thomas Mount,
Chennai - 600 016.
Cr.No.9 of 2019

2.Preetha Sundari
(R2 impleaded as per order of this Court dated
10.12.2019 made in Crl.MP.No.18360 of 2019 in
Crl.OP.No.32622 of 2019) ...Respondents/Complainant
(R2 impleaded as per order in Crl MP No.18360/19
dated 10/12/2019)

PRAYER: Criminal Original Petition filed under Section 482 of
Criminal Procedure Code, to call for the records and quash all
proceedings in Crime No.9 of 2019 pending on the file of the
respondent police.

For Petitioner : Mr.T.Ashok Kumar

For Respondents : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor
:Mr.R.C.Paul Kanagaraj for R2

ORDER

This Criminal Original Petition has been filed to call
for records in Crime No.9 of 2019 on the file of the first
respondent police and quash the same.

2. The case of the prosecution is that the second
respondent is a medical doctor, now working in a Private
Hospital. When she was studying MBBS course in the year 2008,
the petitioner was also studying in the same institution and
both of them fell in love. The petitioner had sexual
relationship with the second respondent by saying that he will
marry her and she became pregnant in the year 2013.

Thereafter, the pregnancy was aborted. Thereafter, he refused to marry her and hence she lodged a complaint and based on the same the first respondent registered an FIR in Crime No.9 of 2019 under Section 376 (1) Cr.P.C.

3. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A joint affidavit of compromise dated 06.02.2020 has been filed by the Petitioners/ and the 2nd respondent before this Court. The petitioners and the second respondent also present in person before this Court and they are identified by the first respondent. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and the same are made part of the record. In the compromise memo, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues. The petitioner and the second respondent are medical doctors. Now the petitioner has married another lady. Taking into consideration of the said fact, the second respondent has vehemently settled the issue. She does not want to proceed with the prosecution. She is an unmarried young lady. She may felt that the continuation of the prosecution may affect her future. So, vehemently has come forward to report that she has settled the issue. This Court has enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case pending against the petitioners. Even though, the offence involved is 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 is inclined to exercise its jurisdiction under Section 482 Cr.P.C. and quashes the Case.

6. In the result, this Criminal Original Petition stands allowed. The FIR in Crime No.535 of 2019 on the file of the first respondent is quashed against the petitioner herein. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

drl

To

1.The Inspector of Police
W-31, All Women Police Station,
St.Thomas Mount,
Chennai - 600 016.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.PW.Jeyakumar Arul, Advocate SR.No.10295

CRL.OP.No.32622 of 2019
and
CrI.MP.No.17979 of 2020

RV(CO)
GMY(31/07/2020)



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