



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13155 of 2020

Muthuselvam

... Petitioner

vs.

1)The State Rep by Inspector of Police,
All Women Police Station, Pudukottai,
Thoothukudi District.
(Crime No.3 of 2020)

2)Amaichar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the FIR in Crime No.3 of 2020 on the file of the Inspector of Police, All Women Police Station, Pudukottai, Thoothukudi District, quash the same.

For Petitioner	: Mr.F.Deepak
For R1	: Mr.MV.Chandrasekaran Government Advocate

O R D E R

This Criminal Original Petition has been filed to call for the entire records connected to the impugned First Information Report in Crime No.3 of 2020 on the file of the Inspector of Police, All Women Police Station, Pudukottai, Thoothukudi District, and quash the same.

2.The second respondent / defacto complainant as well as the petitioner/accused are present before this Court and they are identified by the respective learned counsel and both the parties have filed a joint compromise memo stating that the matter in issue between them has been amicably resolved and therefore, the second respondent / defacto complainant is not willing to prosecute the case and therefore would pray for quashing the FIR in Crime No.3 of 2020 pending on the file of the 1st respondent Police.

3.The joint compromise memo reads as follows:-

'The Petitioner/Sole Accused submits that a case has been registered against him for having committed an



alleged offences punishable U/s. 5(I), (j)(ii)IPC, r/w 6 of POSCO Act in Crime No.3 of 2020, Dated 05.02.2020.

2.The Petitioner submit that the case of the prosecution is that on 28.09.2019, the defacto complainant who happens to be the Petitioner's wife sister came to the house of the Petitioner herein for her quarterly exam holidays. At that point of time, the Petitioner had sexually intercourse with the defacto complainant out of which she become pregnant. The defacto complainant on the date of complaint happens to be a minor, henceforth the petitioner was foisted under the POSCO Act 2012, and case in Crime No.3 of 2020 under section 5(I)(j)(ii), r/w 6 of POSCO Act.

3.The 1st Respondent failed to see that no material or documentary evidence to show that the petitioners involvement in the case as alleged by the prosecution. Now due to the elders in the village the petitioner and the defacto complainant have compromised the matter and defacto complainant also attained major on July 2020. Now she is taken care by the Petitioner and living along with the petitioner. Further, the petitioner takes care of the defacto complainant along with his family. The defacto complainant is also willing to appear before this Hon'ble Court to file memo to the effect of compromise withdrawing the complaint.

4.Based on the above compromise it is decided to approach before the Hon'ble court to quash the Crime No.3 of 2020 on the file of the Inspector of Police, All Women Police Station, Pudukottai, Thoothukudi District.

Hence it is therefore prayed that this Hon'ble Court may be pleased to record the above compromise memo filed by petitioner as well as the 2nd Respondent / Defacto complainant in view of the criminal case in Crime No.3 of 2020 pending on the file of the Inspector of Police, All Women Police Station, Pudukottai, Thoothukudi District, quash the same and thus render justice."

4.The compromise memo is filed before this Court and the parties along with their respective counsel are also present personally through video conference and the learned Government Advocate(Criminal Side) would state that he has verified their identity.

5.In the result, by recording the compromise, the Criminal Original Petition is allowed and the impugned FIR in Crime No.3 of



2020 on the file of the Inspector of Police, All Women Police Station, Pudukottai, Thoothukudi District, is quashed.

Sd/-

Assistant Registrar (AS)

WEB COPY

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/ /2020

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1)The Inspector of Police,
All Women Police Station, Pudukottai,
Thoothukudi District.

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

+1 CC to Mr.F.DEEPAK, Advocate (SR-23237[F] dated 30/11/2020)

ORDER MADE IN
Crl.O.P.(MD)No.13155 of 2020
DATED : 26.11.2020

SS (CO)
KM (08.12.2020) 3P 4C