



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Crl.O.P.(MD) No.16353 of 2019

and

Crl.MP(MD)Nos.9735 and 9736 of 2019

Joseph Ajin

: Petitioner/Sole Accused

-Vs-

1.State rep. by

The Inspector of Police,
All Women Police Station,
Nagercoil.

(In Crime No.27 of 2016)

: R1/Complainant

2.Anu

: R2/De-facto complainant

Prayer: This Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in S.C No.255 of 2017 on the file of the Fast Track Mahila Court, Nagercoil and quash the same.

For Petitioner

: Mr.Antony S Prabahar

For 1st Respondent

: Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Crl. Side)

For 2nd Respondent

: Mr.S.Sivakumar

O R D E R

This criminal original petition has been filed under Section 482 Cr.P.C, praying to call for the records in S.C No.255 of 2017 on the file of the Fast Track Mahila Court, Nagercoil and quash the same.

2.The case of the prosecution is that on 03.07.2016, the accused came to the house of the victim and on the false promise of marrying, took her to the inner room and committed rape.

3.When the matter is taken up for hearing on 18.02.2020, it was represented on either side that both the petitioner/accused and the 2nd respondent/de-facto complainant have decided to bury their hatchet and compromised the issue between them amicably out of court and a Joint Compromise Memo, dated 03.02.2020 has been filed to that effect and further stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has no objection to quash the entire proceedings in connection with the S.C.No.255 of 2017 on the file of the Fast Track Mahila Court, Nagercoil.

4.Today (25.02.2020), the 2nd respondent/de-facto complainant appeared before this court and she filed an affidavit stating that the elders of the petitioner family and my family arranged marriage between me and the petitioner and due to some misunderstanding



between both the families, the marriage was stopped and out of frustration and anger, I preferred a false complaint before the 1st respondent against the petitioner after five months.

5. In view of the statement made by the de-facto complainant and also the Joint Compromise Memo filed by both parties and also the undertaking affidavit filed by the de-facto complainant, no fruitful purpose will be achieved to proceed further in this matter.

6. Hence, in order to safeguard the interest of the de-facto complainant and to enable her to lead a happy and peaceful matrimonial life and also taking into account the fact that pursuant to the compromise, there is a possibility of the de-facto complainant turning hostile in the trial, this court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in SC No.255 of 2017 on the file of the Fast Track Mahila Court, Nagercoil, are hereby quashed.

7. Accordingly, this Criminal Original Petition is **allowed** on the basis of the compromise entered into between the parties. The Joint Compromise Memo, dated 03.02.2020 as well as the affidavit filed by the 2nd respondent/de-facto complainant, dated 25.02.2020 shall form part of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Encl: Xerox copy of Compromise Memo
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To,

1. The Fast Track Mahila Court,
Nagercoil.

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

+1 CC to M/s. ANTONY.S. PRABHAHAR, Advocate (SR-8065[F]

Cr1.O.P. (MD) No.16353 of 2019
25.02.2020

SMA/12/03/2020/2P/4C