

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 17.03.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

Crl.O.P No.6541 of 2020
and Crl MP Nos.3617 & 3618 of 2020

1. Yushankar @ Yuvanshankar
2. Jayanthi
3. Ganeshan .. Petitioners

Vs.

1. State Rep. By
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
2. Govindaraj
3. G.Srimathi ..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Special C.C.No.29 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal and quash the same.

For Petitioner : Mr.G.Ponnambala Thiyagarajan

For Respondent No.1 :Mr.Mohammed Riyaz
Additional Public prosecutor

for 1st respondent

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Special C.C.No.29 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal and quash the same.

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

3. The Joint memo dated 21.07.2020 has been filed by the 3rd respondent/1st petitioner before this Court. The petitioner and the 3rd respondent were also present through Video conferencing and they were identified by Mr.Gouthaman, Sub-Inspector of Police, Pallipalayam Police Station, Namakkal District. In the Memo, it has been stated that the petitioner and the third respondent have entered into a compromise and amicably settled their issues in Special C.C.No.29 of 2019. This Court also enquired

both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The 1st petitioner has married the victim girl on 20.04.2018 and there is a male child aged about one year, who was born out of the wedlock. The 1st petitioner and the victim girl along with the child were present before this Court. It was submitted that the education certificate and other certificates belonging to the victim girl is now in the possession of her father, who is the defacto complainant in this case and it is informed that he is refusing to hand over the certificates.

4. Taking into consideration the facts and circumstances of the case, no useful purpose will be served in keeping the case 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)**, and after exercising due caution as advised by the Hon'ble Suprme

Court in *The State of Madhya Pradesh v. Dhruv Gurjar and Another* reported in (2019) 2 MLJ Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Special C.C.No.29 of 2019, pending on the file of learned Sessions Judge, Fast Track Mahila Court, Namakkal.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special C.C.No.29 of 2019, pending on the file of learned Sessions Judge, Fast Track Mahila Court, Namakkal, is quashed and the terms of Memo shall form part and parcel of this order. The 1st respondent police is directed to call the defacto complainant for an enquiry and ascertain the availability of the certificates. If the same is available, the 2nd respondent is directed to hand over all the certificates belonging

to the victim girl. Consequently, the connected miscellaneous petition is closed.

17.03.2021

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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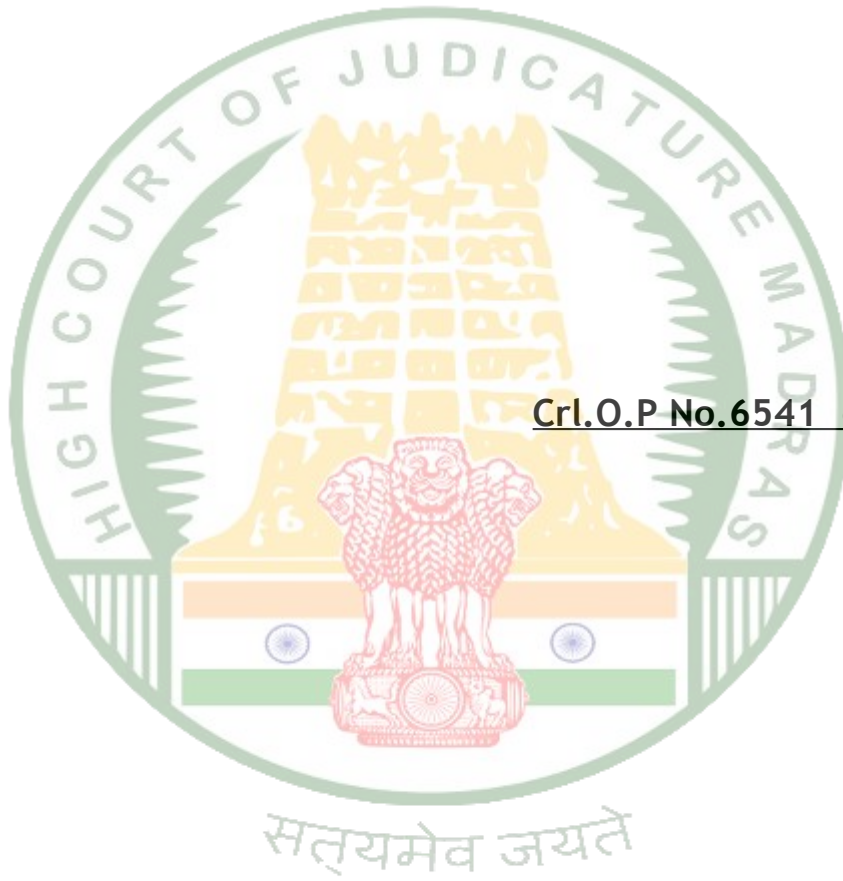
To

1. State Rep. By
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
2. The Assistant Public Prosecutor,
High Court, Madras



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N. ANAND VENKATESH, J.
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