



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.6155 OF 2021

AND

CRL.M.P.NO.4058 OF 2021

Purusothaman

... Petitioner/
Sole Accused

Versus

1. The Inspector of Police,
W-20, All Woman Police Station,
Saidapet,
Chennai - 600 015.

2. A.Aswini

... Respondents/
Complainant/De-facto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.C.249 of 2019 pending on the file of the learned Sessions Judge, Mahila Court at Allikulam and quash the same.

For Petitioner : M/s.Jerry V.V. Sundar

For Respondent : Mr.A.Damodaran for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records pertaining to S.C.249 of 2019 pending on the file of the learned Sessions Judge, Mahila Court at Allikulam and quash the same.

2. The case of the prosecution is that the second



respondent and the petitioner were in love and in the pretext of false marriage promise, the petitioner obtained consent for sex from the defacto complainant and later denied to marry her and hence allegation of cheating and raping the defacto complainant. Thereafter, the second respondent lodged a complaint against the petitioner to the first respondent/Inspector of police, Saidapet. Based on the complaint of the second respondent an FIR in Cr.No.2 of 2018 under Sections 417 and 376 of IPC was filed and the same was numbered as S.C.No.249 of 2019 and the same is pending on the file of learned Sessions Judge, Mahila Court at Allikulam.

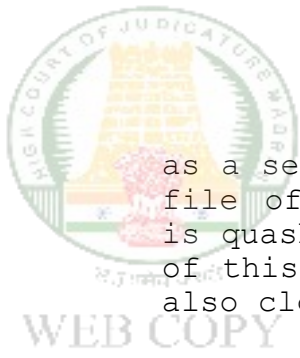
3. The learned counsel for the petitioner submitted that the petitioner had married the second respondent on 14.11.2018 and the same was registered as Serial No.641 of 2018 and have been living happily at the petitioner's place at Vyasarpadi. The FIR was lodged against the petitioner only in a fit of anger. Now, after the intervention of respectable known persons, both of them have come to a compromise. Hence, the petitioner has filed this petition to quash the charge sheet in S.C.249 of 2019.

4. 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.

5. The Affidavit dated 10.03.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioner appeared before this Court. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in S.C.249 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. Though it is an offence serious in nature, it is a private offence involving two individuals. Now issues settled between them.

6. Under such circumstances, 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 Gujrat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in S.C.249 of 2019, pending on the file of the learned Sessions Judge, Mahila Court at Allikulam

7. This Criminal Original Petition stands allowed and



as a sequel, the proceedings in S.C.249 of 2019, pending on the file of the learned Sessions Judge, Mahila Court at Allikulam, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

* Xerox copy of affidavit is enclosed.

dna/drm

To

1. The Sessions Judge, Mahila Court,
Allikulam.
2. The Inspector of Police,
W-20, All Woman Police Station,
Saidapet,
Chennai - 600 015.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6155 of 2021
and
CrI.M.P.No.4058 of 2021

AD(CO)
PM/01/11/2021
PM/22/11/2021