



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11487 of 2021
and
Crl.MP.No.6671 of 2021

A.Chinnappadas

... Petitioner/
Defacto complainant

.vs.

1.State rep.by
Inspector of Police,
Sulur Police Station,
Coimbatore District.

..1st respondent/
Complainant

Cr.No.373/2021.

2.Pragatheesh

..2nd respondent/sole
accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to FIR in Crime No.373/2021 pending on the file of 1st respondent and quash the same.

For Petitioner : Mr.C.Emalias

For R 1 : Mr.A.Damodaran
Government Advocate
(Crl.Side)

For R 2 : Mr.M.Mohammed Riyaz

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.373 of 2019, dated 23.04.2021, on the file of the 1st respondent Police.



2.The case of the prosecution is that on 23.04.2021, the petitioner's daughter was missing and after searching her in many places, she was found missing and hence he presumed that she accompanied with her friend Pragatheesh (2nd respondent/sole accused). Hence, a complaint lodged before the 1st respondent. On 26.04.2021, FIR was registered under "girl missing" case in Crime No. 373 of 2021, for offences under Sections 366(A) of IPC r/w Section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006.

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

4.The learned Government Advocate (Crl. Side) appearing for the 1st respondent Police on instructions submitted that the petitioner has not come on any adverse notice after registration of the case and now, the 2nd respondent has come forward to compound the offence.

5. On 18.06.2021, affidavit has been filed by the petitioner before this Court. The petitioner, victim and the 2nd respondent were present through Video conferencing. In the affidavit it has been stated that he realizing the mistake of false implication of the 2nd respondent, the petitioner has filed an affidavit explaining the circumstances and also submitted the letters addressed to the authorities, stating that since his daughter has not returned home and she was found missing, as per the instructions of the relatives he has lodged a complaint. He further submits that he is not interested to further pursue the complaint. The 2nd respondent voluntarily entered into a compromise and the issues are settled amicably between us without any coercion and compulsion. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 First Information Report in Crime No.373 of 2021, on the file of the 1st respondent Police.



7.This Criminal Original Petition stands allowed and the proceedings in Crime No.373 of 2021, on the file of the 1st respondent police is quashed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. Inspector of Police,
Sulur Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11487 of 2021

PVS (CO)
SB(02/08/2021)