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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18590 OF 2021

Prabhakaran

...Petitioner

Versus

1.The State rep. by
Inspector of Police,
All Women Police Station,
Kottakuppam, Vanur Taluk,
Villupuram District.
(Crime No.8 of 2017)

2.Manimegalai

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.104 of 2020 on the file of Maglir Neethi Mandram (Fast Track Mahila Court), Villupuram and quash the same.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor for R1
Mr.V.Anandhan for R2

O R D E R

The Criminal Original Petition has been filed to call for the records in S.C.No.104 of 2020 on the file of Maglir Neethi Mandram (Fast Track Mahila Court), Villupuram and quash the same.

2. The case of the prosecution is that the petitioner on promise of marriage, had sexual intercourse with the second respondent/de-facto complainant and later, refused to marry her. Hence, on the complaint of the second respondent/de-facto complainant, an FIR in Crime No.8 of 2017 came to be registered against the petitioner. After investigation, final report was



filed on 30.01.2018 for the offences under Sections 417 and 376 IPC before the learned Judicial Magistrate, Vanur. After committal, the case was taken on the file of the Fast Track Court Mahila Court (Magalir Viraiivu Neethimandram), Villupuram in S.C.No.104 of 2020.

3. The learned counsel for the petitioner submitted that the fact of the case is that the petitioner and the second respondent/de-facto complainant were in love with each other and due to some reason, he could not marry her. Hence, a false complaint was registered against him.

4. The learned counsel further submitted that the second respondent/de-facto complainant has now married one D.Silambarasan and leading a happy life with her husband. Hence, she is not interested to prosecute the case and wanted to withdraw the case and settle the issue amicably. Hence, the petitioner and the second respondent filed a joint affidavit of compromise dated 14.09.2021 to that effect. Therefore, the petitioner has filed this petition to quash the proceedings in S.C.No.104 of 2020.

5. Heard both sides and perused the materials available on record.

6. It is seen that by passage of time, the parties have decided to compromise the dispute amicably among themselves.

7. The petitioner and the second respondent are present before this Court and filed a Joint Affidavit of Compromise dated 14.09.2021. In the Joint Affidavit of Compromise, it has been stated that both the parties entered in to a compromise in presence of elders and de-facto complainant needs to withdraw the case against the petitioner. This Court enquired both the parties and and satisfied that both the parties settled the matter amicably.

8. Under such circumstances, no useful purpose will be served in keeping the proceedings in S.C.No.104 of 2020 pending. Even though, the offence involved is 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 Guj Rath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the proceedings in S.C.No.104 of 2020.

9. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.104 of 2020,



on the file of the Maglir Neethi Mandram (Fast Track Court Mahila Court), Villupuram, is quashed.

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Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

dna

To

1.The Maglir Neethi Mandram
(Fast Track Mahila Court),
Villupuram.

2.The Inspector of Police,
All Women Police Station,
Kottakuppam,
Vanur Taluk,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.E.Ravichandran, Advocate SR.No.64943

CRL.O.P.No.18590 of 2021

GSM(CO)
RVM(22/12/2021)