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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18047 of 2021

Sadiq

... Petitioner

Versus

1.The State Rep by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai - 600 021.

2.Pattu

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.C.No.8 of 2014 on the file of the Magalir Neethimandram at Allikulam and quash the same.

For Petitioner : Mr.M.Mohamed Riyas

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 relating to S.C.No.8 of 2014 on the file of the Magalir Neethimandram at Allikulam and quash the same.

2. The case of the prosecution as per the 2nd respondent is that her daughter went missing on 13.12.2009 and on 15.12.2009, she returned home. The further allegation is that the petitioner manipulated her daughter and took her to Andhra Pradesh and had continuous sexual relationship on a false



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promise of marrying her. Hence, the de-facto complainant filed a complaint against the petitioner and FIR was registered in Crime No.923 of 2009 for the offence under Section girl missing @ 366 A @ 376 IPC. The Inspector of Police, H-6, R.K.Nagar Police Station, Chennai has filed charge sheet before the Judicial Magistrate Court, George Town, Chennai in S.C.No.8 of 2014.

3. The learned counsel for the petitioner submitted that the petitioner is a law abiding person and he has not committed any offence as alleged in the Charge Sheet. The petitioner and the de-facto complainant's daughter had a love affair, due to which a false complaint has been lodged against the petitioner. 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.No.8 of 2014.

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 23.09.2021 has been filed by the second respondent/de-facto complainant before this Court. The second respondent and petitioner present through Video conferencing. 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.No.8 of 2014. 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 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 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 C.C.No.126 of 2020, pending on the file of the learned Judicial Magistrate Court, Ambattur, Thiruvallur.



7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.8 of 2014, pending on the file of the learned Magalir Neethimandram at Allikulam, is quashed and the terms of affidavit shall form part and parcel of this order.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

dna

To

1.The Judicial Magistrate Court,
Ambattur. Thiruvallur.

2.The Magalir Neethimandram,
Allikulam.

3.Th Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai - 600 021.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Mohamed Riyas, Advocate SR.No.51630

CRL.O.P.No.18047 of 2021

GSM(CO)
RVM(12/10/2021)