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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19280 of 2021

1.M.Suresh @ Harichandran

2.Thimmarayan

... Petitioners/Accused 1 & 2

Vs.

1.The State represented by

The Inspector of Police,

Krishnagiri Town Police Station,

Krishnagiri, Crime No.1425 of 2011.

2.V.Thimmarayan

... Respondents/Complainant,
Defacto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in P.R.C.No.51 of 2012 on the file of the Judicial Magistrate No.1, Krishnagiri and quash the same by allowing this criminal original petition.

For Petitioners: Mr.J.Pradeep

For Respondent : Mr.R. Vinothraja
No.1 Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed to call for the records relating to the charge sheet in P.R.C.No.51 of 2012 on the file of the Judicial Magistrate No.1, Krishnagiri and quash the same.

2. The case of the prosecution is that there was a love affair between the first petitioner and the defacto complainant's daughter. The love affair was objected by the defacto complainant, resulting in, the defacto complainant's daughter and the first petitioner eloped without the knowledge of their parents. The defacto complainant, who is the father of the victim girl, without knowing that his daughter /victim girl, had eloped with the first petitioner, had given the complaint as if his daughter was kidnapped. Based on the complaint given by the defacto complainant, a case in Crime No.1425 of 2011 registered initially for the offences under Sections 363, 364(A), 506(ii) IPC. Thereafter, alter the FIR



under Sections 363, 376 r/w 109 IPC. After completion of the investigation, the charge sheet was filed before Judicial Magistrate No.I, Krishnagiri and the same was taken on file in P.R.C.No.51 of 2012.

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3.The learned counsel for the petitioners submitted that subsequently, the petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues, which is the subject matter of the case in P.R.C.No.51 of 2012. Hence, the petitioners have filed this petition to quash the charge sheet in P.R.C.No.51 of 2012.

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. A joint memo of compromise dated 17.09.2021 has been filed by the petitioners and 2nd respondent and his daughter stating that the issue between them has been settled amicably and they have no objection in quashing the charge sheet in P.R.C.No.51 of 2012 against the petitioners. Both the parties appeared before this Court and this Court also enquired both the parties and 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 P.R.C.No.51 of 2012, pending on the file of the learned Judicial Magistrate Court No.I, Krishnagiri.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.51 of 2012 pending on the file of the learned Judicial Magistrate No.I, Krishnagiri, is quashed and the terms of memo of compromise shall form part and parcel of this order.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar



To

1. The Judicial Magistrate No.1,
Krishnagiri.
2. do through Chief Judicial Magistrate,
Krishnagiri.
3. The Inspector of Police,
The State of Tamil Nadu,
Krishnagiri Town Police Station,
Krishnagiri, Crime No.1425 of 2011.
4. The Judicial Magistrate No.1,
Krishnagiri.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Pradeep, Advocate SR.No.55962

CRL.O.P.No.19280 of 2021

NMI (CO)
GMY (07/12/2021)