

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.3701 of 2022

and

CrI.M.P.Nos.1773 and 1774 of 2022

Harivignesh

... Petitioner

Vs

1.The State Represented by,
The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem.

2.Punithavalli

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the entire records related to the impugned charge sheet in C.C.No.682 of 2021 on the file of the Additional Mahila Court at Magisterial Level, Salem and quash the same.

For Petitioner : Mr.J.Hariharan

For Respondents :

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.Manoj Kumar

ORDER

This Criminal Original Petition has been filed, to call for the entire records related to the impugned charge sheet in C.C.No.682 of 2021 on the file of the Additional Mahila Court at Magisterial Level, Salem and quash the same.

2. The learned counsel for the petitioner would submit that the petitioner and the second respondent/defacto complainant are friends for a long time and the relationship between them was consensual in nature.

3. The learned counsel appearing for the petitioner would further submit that due to misunderstanding, the second respondent/defacto complainant has given a complaint against the petitioner. Based on the complaint, a case in Crime No.32 of 2021 was registered by the first respondent for the offences punishable under Sections 294(b), 417 and 506(i) of IPC. After completion of investigation, the first respondent had filed final report before the learned Additional Mahila Court at Magisterial Level, Salem and the case was taken up in C.C.No.682 of 2021.

4. The learned Additional Public Prosecutor appearing for the first

respondent would submit that based on the complaint given by the second respondent, a case in Crime No.32 of 2021 was registered by the first respondent on 14.08.2021 for the offences punishable under Sections 294(b), 417 and 506(i) of IPC. He would further submit that the first respondent has completed the investigation and filed final report and the case has been taken in C.C.No.682 of 2021 on the file of the Additional Mahila Court at Magisterial Level, Salem. He would further submit that the case now stands posted "for questioning".

5. The learned counsel for the second respondent/defacto complainant would submit that the second respondent/defacto complainant and the petitioner are friends for a long time and that their relationship was consensual in nature.

6. The case is still under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent were also present in person before this Court and they were identified by the Inspector of Police, All Women Police Station, Sooramangalam, Salem. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

8. 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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.682 of 2021.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.682 of 2021, on the file of the Additional Mahila Court at Magisterial Level, Salem is quashed and the

terms of Joint Compromise Memo shall form part and parcel of this order.

Consequently, connected Criminal Miscellaneous Petitions are closed.

22.04.2022

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

arb/rgm

To

1.The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem.

2.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.

arb/rgm

Crl.O.P.No.3701 of 2022

and

Crl.M.P.Nos.1773 & 1774 of 2022

22.04.2022