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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5515 of 2022

Mr.V.Jayachandran

....Petitioner

Vs.

1.State represented by
The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai District.
Crime No.13 of 2022

2.Mrs.A.Sneha

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the entire records relating to FIR No.13 of 2020 on the file of the respondent and quash the same.

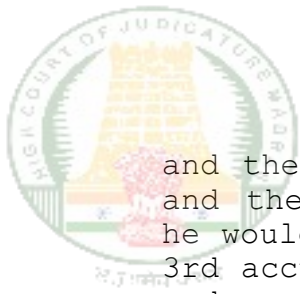
For Petitioner : Mr.N.Nithianandam

For Respondent 1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the entire records relating to FIR No.13 of 2020 on the file of the respondent and quash the same.

2. The case of the prosecution is that the 1st accused in this case alleged to have developed close friendship with the defacto complainant/2nd respondent/Sekar and later, both have fall in love with each other. The further allegation is that the 1st accused had sexual intercourse with the defacto complainant



and the same was video recorded in the 1st accused mobile phone and thereafter, he was threatened the defacto complainant that he would circulate the videos with his friends viz., the 2nd and 3rd accused (Petitioner herein) and hence, complaint was lodged and on receipt of the complaint a case was registered in Crime No.13 of 2020 for the offence under Sections 5(j)(i), 5(1), 6 of Protection of Child from Sexual Offences Act, 2012 and 506(1) of IPC.

3. The learned counsel for the petitioner would submit that while the case was still at the stage of investigation, the 1st accused and the defacto complainant have decided to bury the dispute and they have compromised the dispute amicably on themselves. Pursuant to which, they have filed the affidavit dated 23.12.2021 before this Court. In the affidavit, it has been stated that the offence was committed by the 1st accused while he was in tender age and that the 1st accused and the defacto complainant got married later and thereafter they were living as husband and wife. Based on the Joint Memo of Compromise, this Court has quashed the FIR in Crime No.13 of 2020 in respect of the 1st and 2nd accused. He would further submit that when such being so, no useful purpose will be served by allowing the case be continued as against the petitioner and thereby, he would seek for quashing the FIR.

4. The learned Additional Public Prosecutor would submit that petitioner is A3 in this case. On the complaint given by the defacto complainant, a case was registered in Crime No.13 of 2020 against A1 and the petitioner herein and one another friend of A1. He would further submit that defacto complainant and the 1st and 2nd accused have compromised the matter. Pursuant to which, this Court has quashed the FIR dated 03.02.2022 in CrI.O.P.No.2135 of 2022 in respect of A1 and A2.

5. Heard the learned counsels and perused the materials available on record.

6. This Court, taking into consideration, the compromise between the defacto complainant and the main accused / A1 in this case and by order dated 03.02.2022 in CrI.O.P.No.2135 of 2022 had earlier quashed the FIR in respect of 1st and 2nd accused. In such circumstances this Court is of the opinion that no useful purpose will be served by keeping this case pending against the petitioner. Who is the third accused.



7. In view of the above, the Criminal Original Petition is allowed and the FIR in Crime No.13 of 2020 is quashed in respect of the present petitioner/A3.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nti/ssi

To

1. The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai District.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.5515 of 2022

PMK[co]
NSK 29/03/2022