



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2022

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.10349 &13395 of 2022

Anbu @ Anbarasan

...Petitioner in both Crl.O.Ps.

Vs

1. The State of Tamil Nadu
The Inspector of Police,
All Women Police Station, Tiruvallur,
Tiruvallur District.

...1st respondent in both Crl.O.Ps.

2.Isha Gopika

...2nd Respondent in Crl.OP.No.10349/2022

3.Manimegalai

...2nd Respondent in Crl.OP.No.13395/2022

PRAYER in Crl.O.P.No.10349 of 2022: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records relating to F.I.R.No.36 of 2021 on the file of 1st respondent police and quash the same.

PRAYER in Crl.O.P.No.13395 of 2022: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records relating to F.I.R.No.37 of 2021 on the file of 1st respondent police and quash the same.

For Petitioner in both Crl.O.Ps. : Mr.M.Mohamed Riyas

For Respondents in both Crl.O.Ps. : Mr.A.Gokulakrishnan for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition in Crl.O.P.No.10349 of 2022 has been filed to quash the FIR registered in Crime No.36 of 2021 for the offences under Sections 354, 506(1) of IPC, 7 and 8 of Protection of Children from Sexual Offences Act, 2012 and Section 67 of Information Technology Act, 2000.



The Criminal Original Petition in CrI.O.P.No.13395 of 2022 has been filed to quash the FIR registered in Crime No.37 of 2021 for the offences under Sections 380, 328, 406, 417 of IPC and Section 67 of Information Technology Act, 2000.

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2. The defacto complainant in Crime No.37 of 2021 is the mother of the defacto complainant in Crime No.36 of 2021. According to the petitioner, he has been arrayed as A2 in both the cases merely on the basis that he happens to be the friend of A1 and now the parties have decided to compromise the dispute amicably among themselves.

3. Today both the defacto complainants and the petitioner were present in person before this Court and they were identified by their respective counsel as well as by Mrs.K.Sumathi, the Special Sub-Inspector of Police of the respondent Police Station.

4. The defacto complainants by filling affidavits signed by themselves and their counsel submitted that their main grievance and allegations targeted only as against A1 and the petitioner/A2 has not committed any offence and that they do not intend to prosecute as against the petitioner/A2.

5. The allegations in both the FIRs indicate that the same is targeted only as against A1 and the entire allegations taken as proof same would not constitute as offence as against the petitioner who is arrayed as A2 in both the cases. Further, this Court also enquired both the parties and satisfied that the very defacto complainants are not interested in prosecuting the complaints as against the present petitioner/A2 in both the cases and they have decided to compromise the dispute amicably among themselves.

6. Under such circumstances, no useful purpose would be served in keeping the above said proceedings pending and 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 of Cr.P.C. is inclined to quash



the above said proceedings as against the petitioner.

7. Accordingly, these Criminal Original Petitions are allowed. The proceedings against the petitioner alone in Crime No.36 of 2021 and Crime No.37 of 2021 on the file of the respondent police is quashed. The respondent police shall continue the investigation in respect of A1 and take it to the logical end.

* Xerox copy of the Joint Compromise Memo is enclosed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

nr/ksa-2

To

1. The Inspector of Police,
All Women Police Station, Tiruvallur,
Tiruvallur District.
2. The Public Prosecutor
High Court, Madras.

+4ccs to Mr.A.Samson, Advocate, S.R.Nos.35054, 35055

Cr1.O.P.Nos.10349 &13395 of 2022

SKM(CO)
UMA(30/06/2022)