



WEB COPY



CrI.O.P.No.19372 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.OP.No.19372 of 2022

and

CRL.MP.Nos.12756 & 12757 of 2022

Anbumani

...Petitioner/A1

/vs/

1.State of Tamil Nadu

Rep by Inspector of Police,
All Women Police Station,
Ooty Rural,
Nilgiris District,
Tamil Nadu,
(Cr.No.2 of 2022)

2.Ashmitha

... Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 of Cr.P.C to call for records in Special C.C.No.31 of 2022 on the file of the Mahalir Needhimandram, Udhagamandalam/Fast Track Mahila Court, Nilgiris and quash the Final Report/Charge Sheet dated 26.04.2022, bearing No.FR-3/2022 as against the petitioner and consequently, quash the proceedings in Special C.C.No.31 of 2022 on the file of the Mahalir Needhimandram, Udhagamandalam/Fast Track Mahila Court, Nilgiris.



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For Petitioner ... Mr.K.Balu
For Respondents ... Mr.E.Raj Thilak for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for records in Special C.C.No.31 of 2022 on the file of the Mahalir Needhimandram, Udhagamandalam/Fast Track Mahila Court, Nilgiris and quash the Final Report/Charge Sheet dated 26.04.2022, bearing No.FR-3/2022 as against the petitioner and consequently, quash the proceedings in Special C.C.No.31 of 2022 on the file of the Mahalir Needhimandram, Udhagamandalam/Fast Track Mahila Court, Nilgiris.

2. The learned counsel for the petitioner has submitted that the accused A1/step father and the defacto complainant who is the victim / daughter, compromised their dispute and the dispute has been settled out of court and now after compromise, they are living in the same house. He further submitted that the case against A2 namely Dhanalakshmi has been quashed by this court in Crl.OP.No.14091 of 2022. Therefore, he pleaded to quash the proceeding in Special C.C.No.31 of 2022 on the file of the



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Mahalir Needhimandram, Udhagamandalam/Fast Track Mahila Court,

Nilgiris.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the first respondent has submitted that this case is pending before the trial court.

4. I have considered the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent. I have gone through the available materials on record.

5. On perusal of the records, it is seen that the petitioner/A1 is the step father of the victim and A2 is the victim's mother. The respondent police prosecuted the petitioner along with another accused for having committed offence punishable under Sections 7, 8 & 17 of POCSO Act and 506(i) of IPC. After investigation, final report has been filed and the case is taken on file in Special CC.No.31 of 2022. During pendency of the case, A2, who is the mother of the victim, filed a quash petition which has been



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compromised as there is no allegation attributed against her. Since no offence committed by A2, as submitted by the victim girl, this court in Crl.OP.No.14091 of 2022, has quashed the proceeding as against her mother/A2, in Special CC.No.31 of 2022 on the file of the Mahalir Needhimandram, Udthagamandalam/Fast Track Mahila Court, Nilgiris. So far as this petitioner is concerned, he is A1 and the allegation against this petitioner is serious in nature. Therefore, applying the principles of the Supreme Court rendered in ***Gian Singh Vs. State of Punjab and Another*** reported in ***(2012) 10 SCC 303*** and considering the gravity and nature of the offence, the case has to be conducted and decided whether it has to be compounded or not. If any offence is so in the nature of serious one, it cannot be permitted to compound the case. Therefore, applying the principles of ***Gian Singh Vs. State of Punjab and Another*** (cited supra), this is not a fit case to record compromise being a non-compoundable offence. Therefore, I find no merit in recording the compromise and quashing the case based on the settlement of the victim girl and the accused out of court.



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6. When this court is about to dismiss the petition, the learned counsel for the petitioner has submitted that a direction may be issued to the trial court to dispose of the case within the time limit.

7. Considering the submission made by the learned counsel for the petitioner, the trial court is hereby directed to complete the trial and dispose of the case within a period of three months from the date of receipt of a copy of this order.

8. In the result, this Criminal Original Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
gv

14.10.2022

V.SIVAGNANAM ,J.

gv



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To
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1. The Mahalir Needhimandram,
Udhagamandalam/Fast Track Mahila Court,
Nilgiris
2. The Inspector of Police,
Inspector of Police,
All Women Police Station,
Ooty Rural,
Nilgiris District,
Tamil Nadu,
(Cr.No.2 of 2022)
3. The Public Prosecutor,
High Court, Madras.

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