



WEB COPY



Crl.O.P.No.26030 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 02.11.2022

CORAM

THE HONOURABLE MS. JUSTICE R.N. MANJULA

Crl.O.P.NO. 26030 OF 2022

Akilesh

.. Petitioner

Vs.

1. State, represented by
The Inspector of Police,
Annur Police Station,
Coimbatore District .

2. Ranganathan

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and to quash the First Information Report in Crime No.242 of 2022 on the file of Annur Police Station, Coimbatore District.

For Petitioner: Mr. M. Saravanakumar

For Respondents: Mr.E. Raj Thilak, APP-R1
Mr.S.R.Godwin Shadrach-R2

ORDER

This Criminal Original Petition has been filed to call for the records and to quash the First Information Report in Crime No.242 of 2022 on the file



Crl.O.P.No.26030 of 2022

of Annur Police Station, Coimbatore District.

WEB COPY

2. On the complaint given by the 2nd respondent, a case has been registered against the petitioner in Crime No.242 of 2022 for the offence under sections 366A of IPC and section 5(1), r/w. Sections 6 and 5(n) of Protection of Children from sexual Offences Act.

3. The learned counsel for the petitioner submitted that the petitioner and the 2nd daughter of the 2nd respondent had a love affair with each other and there is no intention to commit any offence as stated in the complaint. Thus he prayed for quashing the FIR registered in Crime No.242 of 2022 against the petitioner.

4. Today, when the matter was taken up, the defacto complainant's daughter and the petitioner were present and they are identified by Mr.S.Yuvaraja, Police Constable 555, Annur Police Station, Coimbatore. A joint compromise memo dated 01.11.2022, signed by the petitioner, 2nd respondent and their respective counsel was filed before this Court.



5.The defacto complainant, his 2nd daughter and the petitioner are present before the Court. When enquired, the defacto complainant submitted that the petitioner had married her daughter after she attained majority and now both of them are leading a peaceful life. A copy of the marriage registration certificate is also produced before this Court. The petitioner and the daughter of the defacto complainant also submitted that they did not want to pursue the case and they should be allowed to live in peace. Even though the offence is of non compoundable in nature, taking into consideration of the extraneous situation and the love affair between the petitioner and the 2nd respondent and taking note of the fact that the offences are personal in nature, I feel it is an appropriate case for consideration. Taking into consideration the age and future of the petitioner and the 2nd respondent's daughter and the choice taken by the couple, I feel the powers of this Court should be exercised under section 482 Cr.P.C., to quash the FIR.

6. In this regard, it is appropriate to quote the judgment rendered by the Honourable Supreme Court reported in ***Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat (2017 9 SCC 641)***, wherein, it was held as follows;

'(i) **Section 482** preserves the inherent powers of the



Crl.O.P.No.26030 of 2022

High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

(ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of [Section 320](#) of the Code of Criminal Procedure, 1973. The power to quash under [Section 482](#) is attracted even if the offence is non-compoundable.'

7. In the result, the criminal proceedings initiated against the petitioner in Cr.No.242 of 2022 on the file of 1st respondent is quashed. The joint compromise memo dated 01.11.2022 shall form part of the order.

Index: Yes/No
Speaking / Non Speaking Order
msr

02.11.2022

To
1. The Inspector of Police,
Annur Police Station,
Coimbatore District .
2.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26030 of 2022

R.N.MANJULA, J.

msr

Crl.O.P.No.26030 of 2022

02.11.2022