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CrI.O.P.No.28810 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.28810 of 2022

1.V.Asha

2.Nirmal Kumar Prajapati

3.V.Cheathan

... Petitioners

Vs.

1.The Inspector of Police,
C-2, Elephant Gate Police Station,
Flower Bazaar, Chennai.

2. Chetna P Jain

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Crime No.360 of 2022 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.S.Ramajayam

For Respondents : Mr.E.Raj Thilak,
Addl. Public Prosecutor for R1
: V.Vijaykumar for R2



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the Crime No.360 of 2022 on the file of the 1st respondent and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel for the second respondent.

3. The learned counsel for the petitioners submitted that the first petitioner is the sister of the third petitioner; the second petitioner is the relative of the first and third petitioner; the origin of the case is the love affair between the third petitioner and the defacto complainant; the parties have entered into a compromise among themselves; in view of that, the defacto complainant does not want to pursue the matter further; the compromise affidavit dated 16.11.2022 has been filed by the defacto complainant, wherein, she has stated that herself and the third petitioner loved each other and thereafter, they developed some misunderstanding; the defacto complainant



and the third petitioner have decided to buy peace by considering their long term relationship and the cordial relationship between two families.

4. When the matter is taken up today, the petitioners and the 2nd respondent/de-facto complainant are present before this Court and identified by their respective counsel and Mr.K.Raja, Sub-Inspector, C2, Elephant Gate Police Station, Chennai. The copy of the Aadhaar Cards of the parties have also been submitted before this Court. The terms of compromise were read over to the petitioners and the second respondent. They accepted it to be true and stated that it has been entered between themselves without any coercion or influence.

5. Though some of the offences are non-compoundable in nature, considering the future of the defacto complainant and the third petitioner and that they were students at the time of occurrence and that there is no criminal antecedents against the third petitioner, I feel it is appropriate to allow them to go in peace. During enquiry, the defacto complainant submitted that the third petitioner and herself have arrived at an understanding to marry each other with the consent of both the families. Even though the offence are non-



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compoundable, 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 power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.360 of 2022 on the file of the 1st respondent.

6. In the result, this Criminal Original Petition is allowed and as a sequel, the further proceedings in Crime No.360 of 2022 on the file of the 1st respondent is quashed. The Joint Compromise Memo shall form part of this Order.

Index: Yes/No
Speaking / Non Speaking Order
gsk

30.11.2022



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To
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- 1.The Inspector of Police,
C-2, Elephant Gate Police Station,
Flower Bazaar, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

gsk

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