



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.1345 of 2022

Chilambarasan

... Petitioner / Sole Accused

Vs.

1. State rep. By,
The Inspector of Police,
All Women police station,
Marthandam,
Kanyakumari District.
(Crime No.1 of 2020)

... 1st Respondent / Complainant

2. xxxx

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in P.R.C.No.46 of 2020 on the file of the Judicial Magistrate No.II, Padmanabhapuram and quash the same.

For Petitioner : Mr.C.Susi Kumar
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For R-2 : Mr.R.Maheswaran

* * *

ORDER

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the impugned proceedings.

3. The defacto complainant is present before this Court through video conferencing. She has been duly identified by Ms.K.Baubynasuki, WHC-2839 attached to the first respondent police station and the same has been duly confirmed by Mr.M.Sakthi Kumar, learned Government Advocate.

4. Though the case involves the offence under Section 376 of I.P.C., the parties have got married and they are living under one roof. The parties have filed a joint compromise memo. The defacto complainant states that she does not want to pursue the matter. Therefore, it would not be proper to continue the impugned prosecution.



5. The impugned proceedings are quashed. This criminal original petition is allowed. The joint compromise memo shall form part of the record.

WEB COPY

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate No.II,
Padmanabhapuram.
2. The Inspector of Police,
All Women police station,
Marthandam,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.1345 of 2022

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USK(26.02.2022) 2P 4C