



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.7027 of 2022

WEB COPY

1.Viswanth

2.Kumaran @ Navin

3.Ravichandran

... Petitioners/Accused Nos.1 to 3

Vs.

State through by

1.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.

(In Crime No.104 of 2019). ... 1st Respondent/Complainant

2.Gangadharan

...2nd Respondent/Defacto complainant

3.XXXXXX,
XXXXXX,
XXXXXX,

Tirunelveli District. ... 3rd Respondent/Victim

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in Spl.C.No.82 of 2020 on the file of the Mahila Court, Tirunelveli and quash the same.

For Petitioners	: Mr.C.Susi Kumar
For R - 1	: Mr.B.Thanga Aravindh Government Advocate (Crl. Side)
For R - 2	: Mr.R.Maheswaran

ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioners in Spl.C.No.82 of 2020 for the offences under Sections 366(A) of I.P.C and 6, 5(1) and 17 of Protection of Child from Sexual Offences Act, 2012 pending on the file of the Mahila Court, Tirunelveli.

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Memo of Compromise has been filed before this Court which has been signed by the petitioners and the second respondent and also by their respective counsel.



4. Under such circumstances, no useful purpose will be served in keeping the proceedings in Spl.C.No.82 of 2020 on the file of the Mahila Court, Tirunelveli, in Crime No.104 of 2019, dated 17.09.2019, 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes Spl.C.No.82 of 2020.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.No.82 of 2020 on the file of the Mahila Court, Tirunelveli, in Crime No.104 of 2019, dated 17.09.2019 is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, **to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 29.04.2022 and produce the receipt before the concerned Magistrate, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (Records)

// True Copy //

25/04/2022

Sub Assistant Registrar(CS-III)

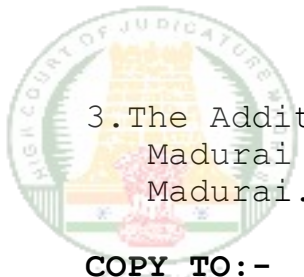
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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate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

ENCL:Xerox Copy of Joint Compromise Memo

To

- 1.The Judge,
The Mahila Court,
Tirunelveli.
- 2.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009.

Order made in
CrI.O.P (MD) No.7027 of 2022
22.04.2022

rm(CO)
GC(25.04.2022) 3P 5C