



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.6452 of 2022

WEB COPY

1.Kingsly
2.Daniel Thangaraj ...Petitioners/Accused 1 & 2
Vs.

1. The State rep. by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
(Crime No. 210 of 2018) ... 1st Respondent / Complainant

2. N.Sahaya Joseph Vincent ... 2nd Respondents / Defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records relating to the proceedings in Special Case No.116 of 2018 on the file of learned Mahila Court, Tirunelveli and Quash the same.

For Petitioners : Mr.T.Antony Arul Raj

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side) for R1

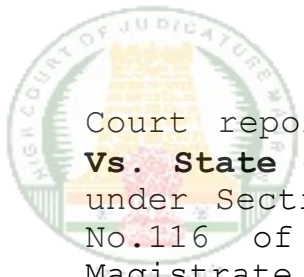
ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Special Case No.116 of 2018 on the file of the Mahila Court, Tirunelveli, for an alleged offences under Sections 366(A), 109 IPC and Section 6 of Protection of Child from Sexual Offences Act, 2012.

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 have 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 First Information Report pending before the respondent police. 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 Gujarath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in Special Case No.116 of 2018 pending on the file of the learned Judicial Magistrate, Aundipatti, Theni District.

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5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special Case No.116 of 2018 pending on the file of the Mahila Court, Tirunelveli, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each 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 13.04.2022 and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(T & P)

// True Copy //

11/04/2022

Sub Assistant Registrar(CS)

PNM

Encl.: xerox copy of Joint Compromise memo.

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 Judge, Mahila court, Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to
The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1 CC to M/s.T. ANTONY ARUL RAJ, Advocate (SR-17239[F] dated
07/04/2022)

ORDER IN
Crl.O.P. (MD)No.6452 of 2022
07.04.2022

kmk(CO)
TR(11.04.2022) 3P 6C