



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.8144 of 2022

and

Crl.M.P(MD)No.5494 of 2022

WEB COPY

Ajith

... Petitioner/Sole Accused

Vs.

1.State represented by,
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(In Crime No.42 of 2019) ... 1st Respondent/Complainant

2.XXX,
XXX,
XXX,
XXX,
XXX
... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records relating to the impugned charge sheet filed
in Spl.S.C.No.88 of 2019 on the file of the learned Principal
District and Sessions Judge, Kanyakumari at Nagercoil and quash the
same as illegal as against the petitioner.

For Petitioner : Mr.S.Krishnan
For R - 1 : Mr.r.M.Anbunithi
Additional Public Prosecutor

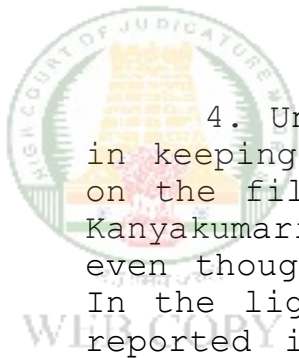
For R - 2 : Mr.M.Silambarasan

ORDER

The Criminal Original Petition has been filed to quash the
proceedings as against the petitioner in Spl.S.C.No.88 of 2019 for
the offences under Sections 5(i), 5(i)(ii) and 6 of the protection
of Child from Sexual Offences Act, 2012 on the file of the learned
Principal District and Sessions Judge, Kanyakumari at Nagercoil.

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 petitioner 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.S.C.No.88 of 2019 on the file of on the file of the learned Principal District and Sessions Judge, Kanyakumari at Nagercoil, in Crime No.42 of 2019, dated 06.08.2019, 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes Spl.S.C.No.88 of 2019.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.88 of 2019 on the file of learned Principal District and Sessions Judge, Kanyakumari at Nagercoil, in Crime No.42 of 2019, dated 06.08.2019, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner 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) within a period of two weeks from the date of receipt of a copy of this order and produce the receipt before the respondent police, failing which the order shall stand dismissed automatically without any further reference to this Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

Encl:Photocopy of 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 Principal District and Sessions Judge,
Kanyakumari at Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

4.The Officer in Charge,
Government of Tamil Nadu,
CMPRF,
Secteriat,
Chennai-4.

CrI.O.P(MD)No.8144 of 2022
29.04.2022

MGJ(31.05.2022) 3P 5C