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CRL.O.P(MD) No.10066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P(MD) No.10066 of 2022

G.Honest Raja

... Petitioner/Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Samayanallur Police Station,
Madurai District.
(Cr.No.12 of 2020)

...1st Respondent/Complainant

2.M.Thottichi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the First Information Report in Crime No.12 of 2020 pending on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

For R2 : Mr.V.Sundararaj



CRL.O.P(MD) No.10066 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.12 of 2020, on the file of the first respondent police.

2.The case of the prosecution is that the second respondent/defacto complainant fell in love with the petitioner and on the promise of marriage given by the petitioner, she had physical relationship with the petitioner and got pregnant. Thereafter, on 10.08.2020 the second respondent along with her parents went to the petitioner's house and enquired about the marriage, but the petitioner deserted the defacto complainant and her parents and also threatened them. Hence, the second respondent /de-facto complainant gave a complaint. Based on the complaint given by the de-facto complainant, the F.I.R. has been registered for the offences under Sections 294(b), 417, 376, 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

3.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.J.Saranya, Grade I Police, All Women Police Station, Samayanallur. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 417, 376, 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

6.The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in (2012)10 SCC 303 and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*) reported in (2017)9 SCC 641 were taken into consideration.



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7.In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.12 of 2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.12 of 2020 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

17.06.2022

Internet:Yes./No

Index:Yes/no

vsd

To

1.The Inspector of Police,
All Women Police Station,
Samayanallur Police Station,
Madurai District.
(Cr.No.12 of 2020)

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

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V.SIVAGNANAM, J.

vsd

ORDER IN
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