



Crl.O.P.(MD) No.10899 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.10899 of 2022 and  
Crl.M.P(MD).No.6874 of 2022

D.Akilan

...Petitioner

Vs.

1.The State  
Rep. by the Inspector of Police,  
Kanniyakumari Police Station,  
Kanniyakumari. .  
(Crime No.161 of 2013)

2.M.Peter Ramesh

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the proceedings Spl.S.C.No.7 of 2018 on the file of the Principal District Court, Kanniyakumari at Nagercoil and quash the same.

For Petitioner : Mr.B. Vinoth kumar

For 1<sup>st</sup> Respondent : Mr.E. Antony Shaya Prabhkar  
Additional Public Prosecutor

For 2<sup>nd</sup> respondent : Mr. R.Karthick C. Rajan



Crl.O.P.(MD) No.10899 of 2022

## **ORDER**

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This Criminal Original Petition is filed to call for the records relating to the proceedings in Spl.S.C.No.7 of 2018 on the file of the Principal District Court, Kanniyakumari at Nagercoil and quash the same.

2. The learned counsel appearing for the petitioner submitted that on a complaint given by the father of defacto complainant a case has been registered in Crime No.161 of 2013 for the offence under Sections 366(A) IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012. Now, the case is prosecuted in Spl.S.C.No.7 of 2018 on the file of the Principal District Court, Kanniyakumari District. Further, the victim girl and the accused are married and they are having two children viz., Agalya and Annaniya and they have settled their dispute out of the Court and the complainant is not willing to proceed with the case.

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



Crl.O.P.(MD) No.10899 of 2022

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 Mrs. R. Yenkaya, SSI of Police, Kanniyakumari District. 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 366(A) IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

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.



Crl.O.P.(MD) No.10899 of 2022

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 Spl.S.C.No.7 of 2018 pending before the learned Principal District Judge, Kanniyakumari District at Nagercoil 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 Spl.S.C.No.7 of 2018 pending before the learned Principal District Judge, Kanniyakumari District at Nagercoil is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequent, the connected Miscellaneous Petition is closed.

20.06.2022

Internet:Yes  
Index:Yes/No  
Speaking/Non speaking order  
trp



Crl.O.P.(MD) No.10899 of 2022

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To

1. The Inspector of Police,  
Kanniyakumari Police Station,  
Kanniyakumari. .

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

3. The Principal District Court, Kanniyakumari at Nagercoil



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CrI.O.P.(MD) No.10899 of 2022

**V.SIVAGNANAM, J.**

trp

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