



Crl.O.P.(MD) No.11436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11436 of 2022

and

Crl.M.P(MD)Nos.7232 and 7233 of 2022

J.Subash,

: Petitioner

Vs

1. State represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.689 of 2015

2. M.Srija @ Seeja,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in pursuant to Charge Sheet in S.C.No.215 of 2017, on the file of the Sessions Judge/Fast Track Mahila Court,Kanyakumari at Nagercoil in Crime No.689 of 2015 on the file of the Inspector of Police,Thuckalay Police Station and quash the same.



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For petitioner : M/s.Ramakrishna Dass N.S,
For R1 : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)
For R2 : Mr.C.Sankar Prakash

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.215 of 2017 pending on the file of the learned Sessions Judge/Fast Track Mahila Court, Kanyakumari at Nagercoil, for the offences punishable under Section 366 (A) of IPC, in Crime No.689 of 2015.

2.The case of the prosecution is that on 08.08.2015, the petitioner kidnapped the second respondent's daughter. Hence the complaint. After investigation, the respondent police filed charge sheet in S.C.No.215 of 2017 pending on the file of the learned Sessions Judge/Fast Track Mahila Court, Kanyakumari at Nagercoil.

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



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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 Mr.S.Mohandhas, SSI of Police, Thuckalay Police Station as well as by the learned Counsels appearing for the parties. 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 Section 366 (A) of IPC.

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



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(2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath reported in **(2017)9 SCC 641** were taken into consideration.

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 S.C.No.215 of 2017 pending on the file of the learned Sessions Judge/Fast Track Mahila Court, Kanyakumari 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 S.C.No.215 of 2017 pending on the file of the learned Sessions Judge/Fast Track Mahila Court, Kanyakumari at Nagercoil, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

28.06.2022

Internet:Yes
Index:Yes/No
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To

- 1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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