



Crl.O.P(MD)No.13528 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P(MD)No.13528 of 2022

and

Crl.M.P(MD)No.8612 of 2022

1.Rameshkumar

2.N.S.Divakar

3.Senthil

4.Vinoth

.. Petitioners/ Accused Nos.1 to 4

Vs.

1.The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
In Crime No.687 of 2012

.. 1st Respondent/Complainant

2.A.Gilbert Josline Rose

.. 2nd Respondent/Defacto
Complainant



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PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973, to call for the records on the file of the 1st respondent, Kaliyakkavilai Police Station, Kanyakumari District in Crime No.687 of 2012 dated 20.08.2012 and to quash the same as against the petitioner.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor for R1

:Mr.K.Ragatheeshkumar

for M/s.Issac Chambers for R2

ORDER

The learned counsel for the petitioners and the defacto complainant submitted that the matter has been compromised between the parties and to substantiate the same, a settlement agreement that was entered into between the parties before the Mediation Centre was also produced before this Court.



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2. The learned Additional Public Prosecutor on instructions and based on the case diary produced before this Court, submitted that eventhough the FIR was initially registered for offence under Section 366 IPC, on completion of investigation, the final report was filed for the offence under Section 376 r/w 511 IPC. The learned Additional Public Prosecutor submitted that based on the seriousness of the allegation, the matter cannot be quashed on the ground of compromise.

3. Heard Mr.S.C.Herold Singh, learned counsel for the petitioners, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for R1 and Mr.K.Ragatheeshkumar appearing for R2.

4. This Court has carefully gone through the statements that were recorded by the respondent police in the course of investigation. There was some dispute between both families and there was a case and



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counter case and even as per the allegation, the victim girl had stated as if there was an attempt made to rape. Ultimately, the victim girl has come before this Court and has signed the joined compromise memo stating that the matter has been compromised between the parties. This Court does not find very serious allegations which will stop this Court from exercising its jurisdiction under Section 482 Cr.P.C.

5. The parameters that were enunciated by the Apex Court in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* reported in *2017 9 SCC 641*, and in *The State of Madhya Pradesh v. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, will apply to the facts of the present case. That apart, already the connected case in Crl.O.P(MD)No.12178/2019 has been quashed by this Court by recording the settlement between the parties through an order dated 02.11.2022.



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6.In view of the above, the FIR pending in Crime No.687 of 2012 on the file of the first respondent police is hereby quashed on the ground of compromise between the parties and this Criminal Original Petition is accordingly allowed. Consequently, connected miscellaneous petition is closed.

02.12.2022

Index : Yes/No
Internet : Yes/No
PJL

To

1.The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

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



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N.ANAND VENKATESH, J.

PJL

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