



Crl.O.P.(MD) No.13821 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.13821 of 2022

V.Sarathkumar

...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.44 of 2018)

...1st Respondent/Complainant

2.Manokaran
Complainant

...2nd Respondent/Defacto

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the case in S.C.No.5 of 2022 on the file of the Fast Track Mahila Court, Sivagangai in P.R.C.No.11 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Singampunari, Sivagangai District and to quash the same.

For petitioner	: Mr.G.Mathavan
For R1	: Mr.A.Albert James Government Advocate (Crl.side)
For R2	: Mr.V.S.Badrinath



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ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.5 of 2022 on the file of the Fast Track Mahila Court, Sivagangai in P.R.C.No.11 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Singampunari, Sivagangai District, for the offences punishable under Section 366(A) of IPC, in Crime No.44 of 2018.

2.The case of the prosecution is that on 01.05.2018, the second respondent's daughter namely Ramya was missing from his home. On doubt, the second respondent/defacto complainant lodged a complaint against the petitioner. Thereafter, enquiry was conducted and based on the enquiry, the respondent police registered a case against the petitioner.

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.



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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.R.Peter Alangara Thamburaj, SI of Police, S.V.Mangalam Police Station, Sivagangai District 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 **(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.5 of 2022 on the file of the Fast Track Mahila Court, Sivagangai in P.R.C.No.11 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Singampunari, Sivagangai District, 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.5 of 2022 on the file of the Fast Track Mahila Court, Sivagangai in P.R.C.No.11 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Singampunari, Sivagangai District is quashed and the terms of joint compromise memo shall form part and parcel of this order.

01.08.2022

Internet: Yes
Index: Yes/No
vsd



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To

- 1.The Fast Track Mahila Court,
Sivagangai.
- 2.The District Munsif Cum Judicial Magistrate,
Singampunari,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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