



CRL.O.P (MD) No.13792 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13792 of 2022

Siva ... Petitioner/Sole Accused

Vs.

1.The State Rep. by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(Crime No.1086 of 2021) ... 1st Respondent/Complainant

2.xxxxxx
Madurai. ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the impugned F.I.R. in Crime No.1086 of 2021 on the file of the respondent police and quash the same insofar as this petitioner is concerned.

For petitioner : Mr.S.Premkumar

For R1 : M.Sakthikumar
Government Advocate (Crl.side)

For R2 : Mr.J.Krishnakumar



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ORDER

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This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.1086 of 2021, on the file of the first respondent police.

2.The case of the prosecution is that the petitioner had love affair with the *de facto* complainant. When the *de facto* complainant's family came to know about the love affair, they vehemently opposed it. While so, on 02.09.2021, both of them eloped to Batlangundu. Based on the complaint given by the *de facto* complaint's mother, a case has been registered against the petitioner.

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.

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



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Ms.N.Ranjitham, SSI of Police, All Women Police Station (North), Madurai 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 offences punishable under Sections 5(i), 5(i)(ii), 6 of POCSO 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.

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.1086 of 2021 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1086 of 2021 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.

01.08.2022

Internet: Yes/No

Index: Yes/no

vsd

To

1. The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(Crime No.1086 of 2021)

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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