



Crl.O.P.(MD) No.15304 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15304 of 2022

and

Crl.M.P(MD) Nos.10036 & 10038 of 2022

Manikandan

... Petitioner/Sole Accused

Vs

1. The State Represented by
The Inspector of Police,
All Women Police Station,
Karaikudi,
(Crime No.14 of 2019)

.... 1st Respondent / Complainant

2. Manimegalai

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned charge sheet in S.C.No.97 of 2021, on the file of the Fast Track Mahila Court, Sivagangai District and quash the same.

For Petitioner : Mr.S.Saravanakumar

For R1 : Mr.A.Albert James
Government Advocate (Crl.side)

For R2 : Mr.R.Chinnaponnu



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.97 of 2021, on the file of the Fast Track Mahila Court, Sivagangai District, in Crime No.14 of 2019, for the offences punishable under Sections 376 and 511 of I.P.C., on the file of the first respondent Police.

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

3. The learned counsel for the petitioner submitted that the defacto complainant and the accused person settled the matter out of the Court and they have been filed a Joint Memo of Compromise 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 the learned Government Advocate (Crl.Side) and Mrs.S.Ankayarkanni, SSI, All



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Women Police Station, Karaikudi. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 376 and 511 of I.P.C.

5. 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.

6. 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.97 of 2021 pending before the Fast Track Mahila Court, Sivagangai, even though, the offences involved are not compoundable in nature.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.97 of 2021, on the file of the Fast Track Mahila Court, Sivagangai, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected Miscellaneous Petitions are closed.

25.08.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Fast Track Mahila Court,
Sivagangai.
2. The Inspector of Police,
All Women Police Station,
Karaikudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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