



WEB COPY



Crl.O.P.(MD) No.14933 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14933 of 2022

Ajithkumar,

: Petitioner

Vs

1. State represented through
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.94 of 2021

2. Sarasu,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records connected to the impugned FIR in Crime No.94 of 2021 pending on the file of the first respondent police and quash the same.



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For petitioner : Mr.Karunanidhi R,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.A.Nagendran

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.94 of 2021 pending on the file of the first respondent police.

2.The case of the prosecution is that based on the complaint lodged by the second respondent, a case in Crime No.94/2021 had been registered under girl missing. After investigation, the petitioner was arrested and subsequently, he was released on bail.

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



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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 Mrs.K.Kayavizhi, SSI of Police, AWPS Samayanallur 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 Sections 5(1) and 6 of Protection of Children from Sexual Offence 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.



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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.94 of 2021 pending on the file of the first respondent police, 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 Crime No.94 of 2021 pending 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.

22.08.2022

Internet:Yes./No

Index:Yes/no

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To

1.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

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

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V.SIVAGNANAM, J.

lr

ORDER IN
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