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Crl.O.P.(MD) No.14966 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14966 of 2022

Murali,

: Petitioner

Vs

1.The State represented by
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District

2. Nachiyappan,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records in respect of Crime No.22/2020, on the file of the first respondent and quash the same.

For petitioner : Mr.Venkatesh D,

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

For R2 : Mr.J.Lenin Kumar



Crl.O.P.(MD) No.14966 of 2022

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.22/2020, on the file of the first respondent.

2.The case of the prosecution is that based on the complaint lodged by the second respondent, alleging that his daughter was found missing, for which, a case in Crime No.22 of 2020 had been registered for girl missing. Then, an alteration report was filed before the learned Judicial Magistrate-I, Karaikudi and the offence is altered as Sections 366(A) and 417 IPC. Since the victim girl and the petitioner have a love affair, she eloped with the petitioner.

3.The victim, petitioner and second respondent are present before this Court and the victim stated that she got married with the petitioner. Out of their wedlock, now they are having a child.

4.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



Crl.O.P.(MD) No.14966 of 2022

amicably among themselves.

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5.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.S.Selvam, SSI of Police, Karaikudi Police Station 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.

6.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 366(A) and 417 IPC.

7.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



Crl.O.P.(MD) No.14966 of 2022

in **(2017)9 SCC 641** were taken into consideration.

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8.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. 22/2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 22/2020 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,
Kundrakudi Police Station,
Sivagangai District

4/5



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Crl.O.P.(MD) No.14966 of 2022

V.SIVAGNANAM, J.

lr

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

ORDER IN
CRL.O.P (MD) No.14966 of 2022

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