



CrI.O.P.(MD)No.17862 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.11.2022**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.O.P.(MD)No.17862 of 2019

Suresh

... Petitioner / Sole Accused

/Vs./

1.The State represented by its,
The Inspector of Police,
All Women Police Station,
Papanasam, Thanjavur District.

... 1st Respondent / Complainant

2.Saraswathi

... 2nd Respondent / Defacto
Complainant

3.Maheswari

... 3rd Respondent / Victim

PRAYER:- Petition - filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the S.S.C.No.10 of 2013 pending charge sheet on the file of the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thanjavur and quash the same.



Crl.O.P.(MD)No.17862 of 2019

For Petitioner : Mr.B.Senthilkumar
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For R2 & R3 : Mr.S.Punniamoorthy

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in S.S.C.No.10 of 2013 for the offences under Section 4 of the Protection of Children from Sexual Offences Act, 2012, pending before the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thanjavur, in connection with Crime No.09 of 2013 on the file of the 1st respondent.

2. The case is still at the stage of trial. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Compromise Memo dated 22.11.2019 filed by the petitioner along with the second and third respondents and the marriage certificate are filed before this Court to substantiate that the petitioner was married to the victim girl on 22.01.2020 and the same was also registered before the Sub-Registrar, Ayyampettai. The petitioner and the second and third respondents



CrI.O.P.(MD)No.17862 of 2019

were also present before this Court at the time of hearing. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards and it is made part of the record. In the Joint Compromise Memo, it has been stated that the petitioner and the second and third respondents have entered into a compromise and amicably settled their issues in Crime No.09 of 2013. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641 (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court, in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the S.S.C.No.10 of 2013 pending before the the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thanjavur.



Crl.O.P.(MD)No.17862 of 2019

5. This Criminal Original Petition stands allowed and as a sequel, the charge sheet in S.S.C.No.10 of 2013 pending before the the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thanjavur, is quashed as against the petitioner herein and the terms of Joint Compromise Memo dated 22.11.2019 shall form part and parcel of this order.

02.11.2022

Internet :Yes/No
Index :Yes/No
sm



Cr1.O.P.(MD)No.17862 of 2019

WEB **To:** COPY

- 1.The Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court, Thanjavur.
- 2.The Inspector of Police,
All Women Police Station,
Papanasam, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.17862 of 2019

N.ANAND VENKATESH, J.

sm

Order made in
Crl.O.P.(MD)No.17862 of 2019

Dated:
02.11.2022