



Crl.O.P.(MD)No.21926 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **23.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21926 of 2022

Ramar

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Sirivaikundam,
Thoothukudi District.
(Crime No.01 of 2020)

2.Sivan

3.Pathirakali

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet in Special S.C.No.20 of 2021 on the file of the learned District and Sessions Judge (Mahila Court) Thoothukudi pursuant to the compromise arrived at by the parties.

For Petitioners : Mr.V.Malaiyendran

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 & R3 : Mr.S.Paul Muruges



Crl.O.P.(MD)No.21926 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the Charge Sheet in Spl.S.C.No.20 of 2021 on the file of the learned District and Sessions Judge (Mahila Court), Thoothukudi and quash the same.

2. The case of the prosecution is that the third respondent/victim girl and the petitioner/accused loved each other and had physical relationship, due to which, the third respondent, who was aged 16 years, became pregnant. Hence, the second respondent/defacto complainant, who is the father of the third respondent, has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.1 of 2020 and after investigation and filing of the final report, the case was committed to the Sessions Court in Spl.S.C.No.20 of 2021 on the file of the District and Sessions Court (Mahila Court), Thoothukudi against the petitioner for the offences under Sections 5(l), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012.



Crl.O.P.(MD)No.21926 of 2022

3. The learned counsel appearing for the petitioner would submit that the petitioner has married the third respondent and that they are living together as a husband and wife. He would further submit that subsequent to the marriage, the third respondent has delivered a male child and that the petitioner and his parents are taking care of the third respondent as well as her child.

4. The case is under trial. Since the petitioner has married the third respondent, they have decided to bury their hatchet and compromise the dispute amicably among themselves.

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 counsels. Further, the third respondent has also filed an affidavit before this Court. The petitioner and the respondents 2 and 3 are present before this Court and they were identified by M/s.S.Murugalakshmi, Grade I Police 2716, Srivaikundam All Women 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.



Crl.O.P.(MD)No.21926 of 2022

WEB COPY

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 instant case, though the petitioner is charged with for the offences punishable under Sections 5(l), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012, it seems now that the petitioner and the third respondent have amicably settled their dispute between themselves. The petitioner and the third respondent got married and they have one male child. The respondents 2 and 3 are also not interested in prosecuting the criminal proceedings. In view of the compromise between the parties, the possibility of conviction is also remote and bleak. In the above circumstances, continuity of the criminal proceedings would only cause oppression and prejudice to the parties, hence, in order to secure the ends of justice, this Court is inclined to quash the criminal proceedings.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.20 of 2021, on the file of the District and



Crl.O.P.(MD)No.21926 of 2022

Sessions Court (Mahila Court) Thoothukudi, is quashed and the joint compromise memo shall form part and parcel of this order.

23.12.2022

Index : Yes / No
Internet : Yes / No
csm

To

- 1.The District and Sessions Court (Mahila Court),
Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
Sirivaikundam,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21926 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.21926 of 2022

Dated: 23.12.2022