



CrI.OP.No.2263 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.2263 of 2023

S.Saravanan

... Petitioner

Vs.

The State represented by
Inspector of Police
W3 - All Women Police Station,
Vandalur, Chennai - 48.

2. Shanthi

3. Priyadharshini

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482

Cr.P.C. praying to call for the records in Cr.No.130 of 2019 on the file of the
1st respondent for the offences under Section 417, 376 and 506(i) of IPC and
quash the same.

For Petitioner : Mr.P.G.Santhosh Kumar

For Respondents : Mr.S.Santhosh, Govt. Adv. (crl.side) for R1.
M/s.V.Ramkumar for R2 and R3.

ORDER

This Criminal Original Petition is filed to call for the records in
Cr.No.130 of 2019 on the file of the 1st respondent for the offences under
Section 417, 376 and 506(i) of IPC and to quash the same



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2. This case was originally registered in Cr.No.130 of 2019 under the caption "women missing" and after enquiry altered to the offences under Section 417, 376, 506(i) IPC.

3. The second respondent/defacto complainant has given a complaint that her daughter was missing from 20.05.2019A.N. on that basis a case under the caption "women missing" was registered in Cr.No.130 of 2019. Subsequently, during the course of investigation it came to light that the daughter of the defacto complainant was already in love with one Saravanan/petitioner. On the promise of marrying, the accused and victim/Priyadharshini had sexual relationship on several occasions. Thereafter, the petitioner started to threaten the victim/Priyadharshini. After completing the enquiry, the first respondent altered the offences as stated supra.

4. When the matter is taken up today, the learned counsel for the petitioner, the second respondent/defacto complainant and the victim/third respondent filed a joint memorandum of compromise signed by all the parties



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along with their respective counsel on record. As per the joint memorandum of compromise, it is stated that the victim, defacto complainant and the petitioner have resolved their dispute among themselves with the help of their friends and relatives and the second and third respondents have stated no objection for quashing the complaint.

5. The petitioner and the second respondent/defacto complainant and the victim/third respondent were present in person before this Court and they were identified by one M/s.**Thavamani- SSI** attached to **W3-AWPS Vandalur, Chennai**. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The second and third respondents answered this Court, that in order to maintain a healthy and peaceful life, they did not want to prosecute the case against the petitioner and they have stated no objection for quashing the proceedings in Cr.No.130 of 2019 on the file of the Inspector of Police, W3 - AWPS, Vandalur, Chennai.

6. The learned Government Advocate (Crl.Side) for the first respondent submitted that it is a dispute with regard to love affair between



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the parties. Based on the complaint given by the defacto complainant/second respondent a case was registered in Cr.No.130 of 2019 for the offence under Sections 417, 376, 506(i) IPC and the investigation is pending. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

7. Considering the fact that the second and the third respondents do not want to prosecute the case as against the petitioner and they have stated no objection for quashment of proceedings, no useful purpose will be served in keeping the proceeding in Cr.No.130 of 2019 pending.

8. In the light of the guidelines issued by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Punjab and another** reported in **(2012) 10 SCC 303** and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat** reported in **(2017) 9 SCC 641**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in Cr.No.130 of 2019.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr.No.130 of 2019 pending, on the file of the Inspector of Police, W3 - AWPS Vandalur, Chennai is quashed and the joint memorandum of compromise dated 09.01.2023 shall form part and parcel of this order.

06.02.2023

tsh

Internet : Yes/No

Index : Yes/No

Speaking/Non Speaking Order

To

1. Inspector of Police
W3 - All Women Police Station,
Vandalur, Chennai - 48.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J,
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