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CrI.O.P.No.4093 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.4093 of 2023

1. RajivGandhi
2. Ayyammal
3. Karthik
4. Alamelu

... Petitioners

Vs.

- 1.The State represented by
The Inspector of Police,
Kallakurichi All Women Police Station,
Kallakurichi District.
(Crime No.17 of 2022)

2. Mahalakshmi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in P.R.C.No.4 of 2023 dated 14.12.2022 on the file of the Learned Judicial Magistrate-1, Kallakurichi and quash the same as against the petitioners.

For Petitioners	: Mr.K.Raveendran
For R1	: Mr.Leonard Arul Joseph Selvam Government Advocate (CrI.Side)
For R2	: Mr.P.Jayachandran



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ORDER

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This Criminal Original Petition has been filed calling for the records in P.R.C.No.4 of 2023 dated 14.12.2022 on the file of the Learned Judicial Magistrate-1, Kallakurichi and to quash the same.

2. The accused were charged for the offences under Sections 417, 493, 294(b) and 506(2) of IPC in Crime No.17 of 2022 on the file of the respondent Police in connection with P.R.C.No.4 of 2023 on the file of the Learned Judicial Magistrate-1, Kallakurichi.

3. The allegation made against the petitioners/accused is that the first accused and the defacto complainant were in love with each other. On the promise to marry the defacto complainant, the first accused had sexual relationship with her. Later, he refused to marry her. When it was brought to the notice of other accused, they scolded the defacto complainant in filthy language and intimidated her criminally to forget the first accused, else they would murder her. Therefore, the FIR was registered.

4. After investigation, the final report has been filed. It is seen that P.R.C.No.4 of 2023 on the file of the Judicial Magistrate-1, Kallakurichi has



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been transferred to Magalir Nidhi Mandram, Villupuram in S.C.No.61 of 2023.

The petitioners have also filed a memo dated 13.03.2023 to that effect.

5. When the matter is taken up today, the petitioners and the second respondent/defacto complainant filed a joint memo of compromise dated 09.03.2023. The second respondent also filed a consent affidavit.

6. It is seen from the joint memo of compromise and also the consent affidavit of the second respondent that due to intervention of the elders of the family and village elders, the parties have dissolved their dispute amicably and the second respondent does not want to prosecute the petitioner. The other reason is that her parents are looking for proper alliance and she would get married soon. Pendency of this case would be a hindrance for her to get married. When the final report was filed, Section 376(2)(n) of IPC is also included against the first accused.

7. The learned Government Advocate (Crl.Side) submitted that the case is still at the stage of Trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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8. A Joint Memo of Compromise dated 09.03.2023 has been filed before this Court, which have been signed by the petitioners and the second respondent and also by the learned counsel for the parties.

9. The petitioners and the second respondent were also present in person before this Court and they were identified by **Ms.R.Jayalakshmi, HC 1414, All Women Police Station, Kallakurichi**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves.

10. In the light of the facts and circumstances of the case that the first accused got married to another woman and the second respondent is looking for marriage with another man and the pendency of this case would be a sure hindrance for her marriage, it is a considered view even if the proceedings is continued there is no possibility of getting conviction.

11. 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C.,



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quashes the proceedings pending in P.R.C.No.4 of 2023 dated 14.12.2022 on the file of the Learned Judicial Magistrate-1, Kallakurichi against the petitioners.

12. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in P.R.C.No.4 of 2023 dated 14.12.2022 on the file of the Learned Judicial Magistrate-1, Kallakurichi as against the petitioners is hereby quashed and the terms of joint compromise memo dated 09.03.2023 shall form part and parcel of this order.

13.03.2023

Index:Yes/No
Speaking/Non speaking order
mn

To

1. The Judicial Magistrate-1, Kallakurichi.
2. Magalir Nidhi Mandram, Villupuram.
3. The Inspector of Police,
Kallakurichi All Women Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

mn

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