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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.07.2023

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.11817 of 2022

and

Crl.M.P.No.6695 of 2022

Arun

.. Petitioner

Vs.

1. State Rep.by  
Sub Inspector of Police,  
T.R.Pattinam Police Station,  
Karaikal District,  
Cr.No.02/2022.

2. Pethadurai @ Manohar

.. Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with charge sheet in Spl.S.C.No.3 of 2022 on the file of the Additional District and Sessions Court and quash the same.

For Petitioner : Mr.S.Saravana Kumar  
For Respondent No.1 : Mr.K.S.Mohandass  
Public Prosecutor (Pondicherry)



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## **ORDER**

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl SC.No.3 of 2022, pending on the file of Additional District and Sessions Court, Karaikal, and quash the same.

2. 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.

3. An affidavit has been filed by the 2<sup>nd</sup> respondent/de-facto complainant before this Court. . The Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the defacto complainant and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court. In the memo, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their



issues in Spl SC.No.3 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The Victim girl “X” was present before this Court. She stated that her date of birth is 12.03.2007 and she further stated that the complaint was given only due to the pressure given by her father. She further stated that she is not interested in prosecuting the complaint against the petitioner. The father, who is the defacto complainant also stated that he does not want to prosecute the case against the petitioner.

5. 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 Gujrath)**, 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 Crl 10**,



this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl SC.No.3 of 2022, pending on the file of Additional District and Sessions Court, Karaikal.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC No.3 of 2022, pending on the file of Additional District and Sessions Court, is quashed and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1500/- (Rupees One thousand five hundred only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petition is closed.

25.07.2023

Index :Yes/No  
Internet:Yes/No  
Speaking/Non speaking order



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**Note : Issue order copy on 07.08.2023**

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To

1. The Additional District and Sessions Court, Karaikal
2. The Sub Inspector of Police,  
T.R.Pattinam Police Station,  
Karaikal District.
- 3.The Public Prosecutor, High Court, Madras.

**N. ANAND VENKATESH,J**

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