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Crl.O.P. No.16262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16262 of 2023

and

Crl.M.P.No.10303 of 2023

1. Udhayakumar
2. Ganesan
3. Lakshmi

... Petitioners

vs.

1. State rep. by
Inspector of Police,
AWPS, Gobichettipalayam,
Erode District.

2. Vethaselvi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Special Case in S.C.No.32 of 2022 on the file of the Mahila Court, Erode and quash the same against the petitioners herein.

For Petitioners : Mr.E.Chandrasekaran

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.Side] [R1]



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.32 of 2022 pending on the file of the Mahila Court, Erode.

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. A compromise affidavit has been filed by both the parties before this Court. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.A.Baby, Women Head Constable, AWPS, Gobichettipalayam, Erode District. In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in S.C.No.32 of 2022 pending on the file of the Mahila Court, Erode District. 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 Kumtha was present before this Court and she has stated that her date of birth is 11.02.2003 and that she has married the first petitioner and a child was born namely Nithya shree aged about two years. She has stated that she is living happily with the first petitioner and both the families have accepted their marriage. She has further stated that she does not want to prosecute the case further.

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 Gujraath)** 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 S.C.No.32 of 2022 pending on the file of the Mahila Court, Erode District.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.32 of 2022 pending on the file of the Mahila Court, Erode is quashed and the terms of affidavit shall form part and parcel of this



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order. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
mp/mkn

To

- 1.The Mahila Court,
Erode.
2. The Inspector of Police,
AWPS, Gobichettipalayam,
Erode District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J

mp/mkn

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