



WEB COPY



Crl.O.P No.16505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16505 of 2023

Nithishwaran

S/o.Ravichandran

... Petitioner

vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Thiruvallur,
Thiruvallur District.

2.Kalaivani

W/o.Dhanish @ Nithishwaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.33 of 2022 on the file of first respondent and quash the same.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.33 of 2022 pending on the file of first respondent.



2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise dated 29.06.2023 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Ms.T.Vijaya, SSI, W-26, All Woman Police Station, Thiruvallur. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.33 of 2022 pending on the file of first respondent.

4. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The victim girl stated that her date of birth is 22.05.2004. She further stated that she got married to the petitioner and that the petitioner is also now living in her house. The mother of the victim girl viz., Deepa was also present before this Court and she also confirmed the fact. Both the victim girl as well as her mother stated that they are not interested in prosecuting the case.



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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 FIR in Crime No.33 of 2022 pending on the file of first respondent.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.33 of 2022 pending on the file of first respondent is quashed and the terms of affidavit shall form part and parcel of this order.

25.07.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
gm



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N. ANAND VENKATESH., J

gm

To

- 1.The Inspector of Police,
All Women Police Station,
Thiruvallur,
Thiruvallur District.
- 2.The Public Prosecutor,
High Court of Madras,
Madras.

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