



WEB COPY



Crl.O.P No.17796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17796 of 2023

S.Dinesh Kumar
S/o.Sagadevan

... Petitioner

VS.

1.State represented by
Inspector of Police,
Pulianthope Police Station,
Chennai District.
Crime No.1077 of 2021

2.Devi
W/o.Nagappan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records relating to Spl.S.C.No.21 of 2023 pending trial on the file of Sessions Judge, Mahila Court, Chennai for offence u/s.Girl Missing @ Sections 366, 342 IPC and Section 5(j)(II) r/w 6 of Protection of Child from Sexual Offences Act, 2012 and quash the same.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side][R1]
Mr.S.Kalaimani [R2]



CrI.O.P No.17796 of 2023

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.21 of 2023 pending trial on the file of Sessions Judge, Mahila Court, Chennai.

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 Joint Compromise Memo dated 10.06.2023 signed by both parties has been filed before this Court. Further, a compromise affidavit has 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.C.Rangeswari, Woman Special Sub-Inspector of Police, W16, All Women Police Station, Pulianthope. 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 Spl.S.C.No.21 of 2023 pending trial on the file of Sessions Judge, Mahila Court, Chennai.



4. This Court also enquired both the parties. The victim girl Monisha was present before this Court. She stated that she married the petitioner and through the wedlock, there is a child named Sanjeev, aged about 1½ years. She stated that she is living happily with the petitioner. The second respondent, who is the mother of the victim girl was also present before this Court and she stated that the victim girl is married to the petitioner and that they are living happily. She further stated that she does not want to prosecute the case. This Court was satisfied that the parties have come to an amicable settlement between themselves.

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 Guj Rath)** 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C.No.21 of 2023 pending trial on the file of Sessions Judge, Mahila Court, Chennai.



WEB COPY



CrI.O.P No.17796 of 2023

N. ANAND VENKATESH., J

gm

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.21 of 2023 pending trial on the file of Sessions Judge, Mahila Court, Chennai is quashed and the terms of affidavit shall form part and parcel of this order.

07.08.2023

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

To

1.The Sessions Judge,
Mahila Court, Chennai.

2.The Inspector of Police,
Pulianthope Police Station,
Chennai District.
Crime No.1077 of 2021

3.The Public Prosecutor,
High Court of Madras,
Madras.

CrI.O.P No.17796 of 2023