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CrI.O.P No.16887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.16887 of 2023

Mathan Kumar
S/o.Sathasivam

... Petitioner

VS.

1.The State represented by
Inspector of Police,
All Women Police Station,
Krishnagiri, Krishnagiri District.
Crime No.13 of 2020

2.Priya
D/o.Venkatraman

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of learned District Judge, Mahila Court, Krishnagiri, Krishnagiri District in Spl.S.C.No.41 of 2021 and quash the same.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER



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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.41 of 2021 pending on the file of District Judge, Mahila Court, Krishnagiri, Krishnagiri District.

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 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 Mrs.K.Senthi, Grade-I, All Women Police Station, Krishnagiri. 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.41 of 2021 pending on the file of District Judge, Mahila Court, Krishnagiri, Krishnagiri District.

4. This Court also enquired both the parties. The victim girl stated that her date of birth is 21.09.2004. She further stated that she married the petitioner on 25.09.2022 and the marriage certificate has also been filed before this Court.



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She further stated that she is now three months pregnant and both the families have agreed and she is now living peacefully with the petitioner. She does not want to prosecute the case in Spl.S.C.No.41 of 2021 pending on the file of District Judge, Mahila Court, Krishnagiri, Krishnagiri District. 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 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C.No.41 of 2021 pending on the file of District Judge, Mahila Court, Krishnagiri, Krishnagiri District.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.41 of 2021 pending on the file of District Judge,



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gm

Mahila Court, Krishnagiri, Krishnagiri District, is quashed and the terms of affidavit shall form part and parcel of this order.

28.07.2023

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

To

- 1.The District Judge,
Mahila Court,
Krishnagiri, Krishnagiri District.
- 2.The Inspector of Police,
All Women Police Station,
Krishnagiri, Krishnagiri District.
Crime No.13 of 2020
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

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