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Crl.O.P No.17563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17563 of 2023

1.Chandru
Son of late Pichandi

2.Usha
Wife of Sudhakar

3.Selvi
Wife of Patavettan

4.Alamelu
Wife of late Pichandi

5.Kalaiselvan & Balaji
Son of late G.Parasuraman

6.Ashok, M/19 yrs
Son of Patavettan

... Petitioners/Accused

VS.

1.State represented by
Inspector of Police
Kadaladi Police Station
Kadaladi,
Tiruvannamalai District.
(Crime No.156/2021)

..1st Respondent/Complainant

2.Lakshmi, 44 years
W/o.Arul

...2nd Respondent/De facto Complainant



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Spl.SC.No.159 of 2022, on the file Sessions Judge, Magalir Neethi Mandram, Tiruvannamalai in Cr.No.156 of 2021, on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.I.Javid Akbar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.159 of 2022, pending on the file of Sessions Judge, Magalir Neethi Mandram, Tiruvannamalai.

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 Memo of Compromise dated 10.07.2023 signed by both petitioners and second respondent/*de facto* complainant and their respective counsel have been filed before this Court. A compromise affidavit has also been



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filed by the second respondent/de-facto complainant before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by P.Kumaran-831 (mobile no.9498180869) Kadaladai Police Station, Tiruvannamalai. 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 Spl.SC.No.159 of 2022, pending on the file of Sessions Judge, Magalir Neethi Mandram, Tiruvannamalai.

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 Praveena was present before this Court and she stated that her date of birth is 29.5.2023. She further stated that she got married to the 1st petitioner and through the wedlock, there is a child which is 11 months old and it has been named as Vasudeva Krishnan. The child was also present along with the mother and the 1st petitioner. She stated that she is now living happily with the 1st petitioner and both the families have accepted the marriage. The mother of the victim girl and the de fact complainant was also present at the time of hearing and she stated that the mother has been compromised and that she is no more interested in prosecuting this 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 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, quash the proceedings in Spl.SC.No.159 of 2022, pending on the file of Sessions Judge, Magalir Neethi Mandram, Tiruvannamalai.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.159 of 2022, pending on the file of Sessions Judge, Magalir Neethi Mandram, Tiruvannamalai, is quashed and the terms of affidavit shall form part and parcel of this order.

04.08.2023

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



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To

- 1 Inspector of Police
Kadaladi Police Station
Kadaladi,
Tiruvannamalai District.
2. Sessions Judge, Magalir Neethi Mandram,
Tiruvannamalai.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J
KP

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