



Crl.O.P.No.18394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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1. Mathaiyan
 2. Radha
 3. Santha
- .. Petitioners

Versus

1. The State Rep. by the
Inspector of Police,
Palacode Police Station,
Dharmapuri District.
2. Deepa
- .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the complaint in Spl.S.C.No.66 of 2022 on the file of the Fast Track Mahia Court, Dharmapuri and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.V.Sakkarapani

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



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ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.S.C.No.66 of 2022 on the file of the Fast Track Mahila Court, Dharmapuri and quash the same.

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. The affidavit, dated 05.08.2023 of the second respondent / de-facto complainant and joint memo of compromise entered into between the parties have been filed before this Court. The victim girl, Deepa is present before this Court. She stated that her date of birth is 26.11.2004 and that she has married the first petitioner and there is a son through the marriage named Darshan aged about nine months. She also brought her son along with her. She stated that she is no longer interested in prosecuting the case and that she is now living happily with the first petitioner and the marriage has been accepted by both the families.



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4. 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 case in Spl.S.C.No.66 of 2022, pending on the file of the Fast Track Mahila Court, Dharmapuri.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.66 of 2022, pending on the file of the Fast Track Mahila Court, Dharmapuri is quashed and the terms of affidavit filed by the second respondent / de-facto complainant shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

10.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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1. The Fast Track Mahila Court,
Dharmapuri.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.



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N.ANAND VENKATESH, J.

grs

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