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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18995 of 2023
and Crl.M.P.No.12716 of 2023

Mohan Kumar

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Namagiripettai Police Station,
Namagiripettai,
Namakkal District.

2.Jaya Chitra

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Special C.C.No.19 of 2021, on the file of the learned Magalir Neethimandram, (Fast Track Mahila Court), Namakkal and quash the same.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1



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ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.19 of 2021, pending on the file of learned Magalir Neethimandram, (Fast Track Mahila Court), Namakkal 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. A compromise affidavit has also been filed by the victim girl before this Court. The petitioner and 2nd respondent were also present in person before this Court. In the affidavit it has been stated that the petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues in C.C.No.19 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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 05.06.2003. She further stated that she married the petitioner during June 2021 and there is a child through the marriage named Lithikshasree aged about one year and two months and the child was also present before the Court. The defacto complainant was also present before the Court and she stated that she is not interested in prosecuting this case any further. She stated that the victim girl and the petitioner are living happily. The petitioner (A1) came along with his father Varadhan.

5. There is yet another accused in this case named Kandaswamy @ Ashok and he is said to have kidnapped another victim girl named Sreka. The said Sreka is also yet another daughter of the 2nd respondent. The *defacto* complainant submitted that she is not interested in prosecuting the case even as against A2. She stated that Sreka is now living with her and she is studying +2.

6. 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 CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.19 of 2021 pending on the file of learned Magalir Neethimandram, (Fast Track Mahila Court), Namakkal.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.19 of 2021, pending on the file of learned Magalir Neethimandram, (Fast Track Mahila Court), Namakkal is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

24.08.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

ssr

To

1.The Magalir Neethimandram, (Fast Track Mahila Court), Namakkal.



2. The Inspector of Police,
Namagiripettai Police Station,
Namagiripettai,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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