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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.21234 of 2023

Ramkumar, 33 years
S/o.Karuppannan

.. Petitioner/Accused

.Vs.

1.The State rep.by
Inspector of Police
All Women Police Station
Perur
Coimbatore District.
(Crime No.8 of 2022)

.. Respondent/De facto Complainant

2. xxxxxxxx (minor)
xxxxxxx
Rep.by her mother
xxx
Coimbatore District.

..De facto Complainant/
Mother of the victim Girl

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records made in impugned FIR in Crime No.8 of 2023, on the file of the Inspector of Police, AWPS Perur, Coimbatore and quash the same.



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For Petitioner : Mr.E.Parthiban

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

ORDER

This criminal original petition has been filed to quash the FIR registered in Crime No.8 of 2022, pending investigation on the file of the 1st respondent.

2.The case of the prosecution is that the petitioner, who is the uncle of the victim girl had committed sexual assault against the victim girl. Based on the same, the FIR came to be registered in Crime No.8 of 2022, for an offence u/s. 5(1) 5(n) 5(i)(ii) and 6 of POCSO Act, 2012 r/w 506(i) IPC.

3.When the matter came up for hearing on 15.9.2023, this Court passed the following order:

This petition has been filed on the ground that the matter has been compromised between the parties. On a reading of the F.I.R, the allegations are found to be serious. Hence, the learned Additional Public Prosecutor is directed to produce the C.D file containing Section 164 of Cr.P.C., statement that was recorded from the victim girl. 2. Post this case under the same caption on 26.09.2023. 15.09.202



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4.Pursuant to the above order, the matter posted for hearing today and the victim girl was present along with her mother.

5.The victim girl stated that the petitioner is her uncle and that she had some relationship with another person and as a result, she became pregnant and she was admitted in the hospital. At that time, her uncle accompanied her to the hospital. However, signatures were obtained from the victim girl and a case was projected as if the uncle had committed sexual assault on the victim girl.

6.The above statement made by the victim girl was also confirmed by the mother of the victim girl who was also present before this Court today. She stated that they were verbally threatened and a statement was taken as if the petitioner had committed sexual assault. She categorically stated that the petitioner had never caused any threat or assault on the victim girl. She confirmed that a false complaint has been given against the petitioner.

7.It is made clear from the statement of the victim girl and her mother that the so called incident that has been projected by the prosecution has never taken place. Since the victim girl and her mother have taken a very specific stand to the effect that a false complaint has been made against the petitioner, no useful purpose will be served in keeping the investigation



pending.

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8.A Joint Memo of Compromise dated 18.8.2023 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. An affidavit has also 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. In the Joint Compromise Memo, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.8 of 2022, pending on the file of first respondent. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

9. 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 Gujarath)** 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 FIR in Crime No.8 of 2022, pending on the file of first respondent.



10.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.8 of 2022, pending on the file of first respondent is quashed and the terms of affidavit shall form part and parcel of this order.

27.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

1.Inspector of Police
All Women Police Station
Perur
Coimbatore District.

2.The Public Prosecutor
High Court, Madras.



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N. ANAND VENKATESH, J.
KP

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