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Crl.O.P.No.21663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.21663 of 2023
and Crl.M.P.No.14975 of 2023**

Gopi

.. Petitioner

Versus

**1. State rep by its,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Cr.No.389 of 2021)**

2. Indumathi

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Charge Sheet filed against the petitioner / accused in Spl.S.C.No.17 of 2022 pending on the file of the Fast Track Mahila Court, Dharmapuri.

For Petitioners : Mr.K.Gandhi Kumar

**For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side)
for R1**

ORDER



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The Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.17 of 2022 pending on the file of the Fast Track Mahila Court, Dharmapuri.

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 of the second respondent / de-facto complainant and the joint compromise memo have been filed before this Court. The victim girl is present before this Court. She stated that her date of birth is on 23.06.2005. She further stated that her sister Keerthika was married to the petitioner and they had no children. Hence, there was always a talk in the house that the petitioner will be married to the victim girl. The victim girl was not interested in marrying the petitioner. It is due to this pressure, the complaint was given by the victim girl. She stated that she had faced no compromise from the petitioner and that now, the petitioner is happily living with her sister. The statement given by the victim girl is in line with the Section 164 of Cr.P.C., statement that was recorded from her by the learned Judicial Magistrate, Pennagaram.



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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.17 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.17 of 2022 pending on the file of the Fast Track Mahila Court, Dharmapuri is quashed and the terms of affidavit of the second respondent / de-facto complainant shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

27.09.2023



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



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



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N.ANAND VENKATESH, J.

grs

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27.09.2023