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Crl.O.P No.26285/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P.No.26285 of 2019

and

Crl.MP.No.14079 of 2019

A.Subash

... Petitioner /Accused

Vs.

1. State Rep. by

The Inspector of Police,
Bangalapudur Police Station
Gobichettipalayam,
Erode District,
(Crime No.252 of 2019)

... 1st respondent / complainant

2. D.Murugesan

... 2nd Respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in Cr.No.252 of 2019 pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Shanmugavelayutham

For Respondent-1 : Mr.A.Gopinath,
Government Advocate (crl.side)

For Respondent-2 : Appeared in person.



ORDER

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2. When the matter was taken up today, a Joint Compromise Memo was filed by the petitioner, the 2nd respondent and the victim, wherein it has been stated that the parties have amicably settled the dispute between themselves and buried their hatred, if any, against each other.

3. During the course of hearing, it is submitted by the learned counsel for the petitioner that a case has been given by the second respondent who is the father of the victim, who did not approve the love affair between the petitioner and the victim. It is further submitted that the victim was 17 years old at the time of occurrence and she left from home only because her parent's did not approve her love affair with the petitioner; after attaining the age of majority the victim girl had married the petitioner on 04/03/2020. The complaint has been given due to misunderstanding between the second respondent and the victim, however, the victim has married the petitioner,



hence the case against the petitioner should be quashed as not maintainable.

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4. The petitioner, the second respondent and the victim were present today before this Court today and they were identified by their respective counsel and by Mr.M.Sudhakar, Sub-Inspector of Police, Bungalapudur Police Station, Erode. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards. When enquired, the 2nd respondent and the petitioner have stated that they have agreed to compromise on their own volition without any coercion or influence.

5. The birth certificate of the victim was produced and it is seen from the birth certificate that the date of birth of the victim is mentioned as 21.08.2001. When enquired the victim girl and the petitioner have submitted that they got married on 04.03.2020 and on which date she has become major and they have also blessed with a male child which was born on 08.12.2020.

6. The defacto complainant is the father of the victim, he was also present and he has stated that his daughter is living a peaceful married life



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and there is no point in keeping the criminal case pending. A joint compromise memo in this regard was also filed and that has been signed by the petitioner, the second respondent who is the father of the victim girl and the victim. Since the victim girl was 17 years old at the time of occurrence, now she has attained majority, she can make her own decisions and hence she had gone with the petitioner on her own volition. The second respondent who is the father of the victim girl, at that point of time did not approve the love affair between his daughter/victim and the petitioner, now he has accepted the marriage between his daughter and the petitioner.

7. Under such circumstances, no purpose will be served if the investigation is kept pending. Taking into consideration of this development and the background of the case and the age of the petitioner and victim and also in view of the joint compromise memo filed before this Court, I feel it is appropriate to quash the proceedings.

8. 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 Gujrat)**, this Court in exercise of power under Section 482 Cr.P.C.



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prefers to quash the proceedings in Crime No.252/2019, on the file of the
1st respondent.

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In the result, this Criminal Original Petition stands **allowed** and as a sequel, the further proceedings in Crime No.252/2019 on the file of the 1st respondent, is quashed due to compromise. The terms of Joint Compromise Memo shall form part of this Order. Consequently, connected miscellaneous petition is closed.

21.02.2023

Index : Yes/No
Speaking Order : Yes / No
Internet : Yes /No
Neutral : Yes/ No

jrs

To

1. The Inspector of Police,
Bangalapudur Police Station
Gobichettipalayam, Erode District.
2. The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.,

jrs

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