



Crl.O.P.No.22271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.9.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22271 of 2023

1.Periyasamy
2.Chinnasamy

...Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.

2.Muruganantham

...Respondents

Criminal Original Petition under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the complaint in Spl. S.C.No.25 of 2018 on the file of the Fast Track Mahila Court, Dharmapuri and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.V.Sakkarapani

For Respondent-1 : Mr.A.Gopinath, GA (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the complaint in Spl.S.C.No.25 of 2018 on the file of the Fast Track Mahila Court, Dharmapuri as far as the petitioners are concerned.

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 between themselves.

3. The victim girl was present before this Court and she stated that her date of birth is 04.06.2002. She further stated that she married the petitioner. There was a child named as “Janu Sri” aged about 1 ½ years”. The 2nd respondent was also present before this Court and he stated that his daughter is now living happily with the petitioner and he further stated that he is not interested in prosecuting this case any further.



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4. A joint compromise memo dated 18.9.2023 signed by both the petitioners as well as the *de facto* complainant namely the second respondent has been filed before this Court. Separate affidavits all dated 18.9.2023 have also been filed by the petitioners, the second respondent/de-facto complainant and the victim girl, before this Court. The petitioners and the second respondent are also present in person before this Court and they are identified by Mr.S.Rajendran, Sub-Inspector of Police, Kadathur Police Station, Dharmapuri District. In the affidavits, it has been stated that the petitioners are brothers, that the first petitioner married the victim girl, that they are leading a happy life, that they also have two children and that considering the future of the children, the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.25 of 2018 on the file of the Fast Track Mahila Court, Dharmapuri. This Court has also enquired both the parties and is satisfied that the parties have arrived at an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in



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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 in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath [reported in 2017 (9) SCC 641]*** and after exercising due caution as advised by the Hon'ble Supreme Court in the case of ***State of Madhya Pradesh Vs. Dhruv Gurjar and Another [reported in (2019) 2 MLJ (Crl.) 10]***, this Court, in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code, quashes the case in Spl.S.C.No.25 of 2018 on the file of the Fast Track Mahila Court, Dharmapuri.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.25 of 2018 on the file of the Fast Track Mahila Court, Dharmapuri, is quashed. The terms of the joint compromise memo dated 18.9.2023 and the terms of affidavits all dated 18.9.2023 shall form part and parcel of this order.

26.9.2023

Office to Note:
Issue on 29.9.2023

Index : Yes/No



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Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

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To

1.The Fast Track Mahila Court,
Dharmapuri.

2.The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

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