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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15/06/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.437 of 2023

Shehu Umar : Petitioner/Sole Accused

Vs.

1.State rep.by

The Inspector of Police,
All Women Police Station,
Ramanathapuram.

(In Crime No.02 of 2022) : R1/Complainant

2.Samema Banu

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in PRC No.20 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram and quash the same and to pass such further orders or other suitable orders.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.M.Vijayan

**O R D E R**

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This criminal original petition has been filed seeking quashment of the case in PRC No.20 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram.

2.The facts in brief:-

The de-facto complainant and the sole accused namely Shehu Umar were living each other for about 5 years. That was not accepted by the parents. So, they arranged some other bride groom for the de-facto complainant. It was intimated to the accused by the de-facto complainant. Both of them decided to join together. On 18/06/2021, the de-facto complainant left the parental home and started living with the accused in Dindigul. On 20/06/2021, she was subjected to forcible sexual intercourse by the accused. So, became pregnant. When that was again intimated to the accused, he promised to perform marriage. He also gave tablets to her and because of that, abortion occurred. Later, she was taken to one Women Hostel, where she was left. After that, the accused did not contact the de-facto complainant. On the basis of the above said occurrence, a case in Crime No.02 of 2022 was registered for the offences under sections 417,



6.The learned counsel appearing for the petitioner would submit that it is not a case of forcible affair, both of them are majors and it was consensual between them.

7.No doubt that the de-facto complainant does not want to continue the prosecution. But the offence of such nature should not be permitted to be compounded, simply because, the de-facto complainant does not want to continue the prosecution. Even, if it is a private affair between the accused and the de-facto complainant, since there is an allegation to the effect that abortion was also caused by this petitioner by way of giving some tablets, I am of the considered view that this is not the fittest case to exercise the jurisdiction to quash the proceedings. So, I am not convincing that the compromise that was reached between the parties is sufficient to quash the proceedings. The trial must be taken to its logical conclusion. There shall be a direction to the committal court to complete the process within a week from the date of receipt of a copy of this order. After completing the trial process is over, the concerned trial court is directed to complete the trial process within a period of five months thereafter.



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8. With the above said direction, this criminal original petition stands **dismissed**.

15/06/2023

Index: Yes/No
Internet: Yes/No

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To,

1. The Judicial Magistrate No.1,
Ramanathapuram.
2. The Inspector of Police,
All Women Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

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Cr1.OP(MD)No.437 of 2023

15/06/2023