



Crl.O.P.(MD) No.9159 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **18.05.2023**

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.(MD)No.9159 of 2023

K.Pandiyarajan

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.25 of 2022)

2.Angalaeswari

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to the case in FIR in Crime No.25
of 2022 on the file of the first respondent and to quash the same.

For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.R.Sivakumar

Government Advocate (Crl.Side) for R.1



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ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.25 of 2022 on the file of the first respondent.

2. The case of the prosecution is that the accused/petitioner married the second respondent/defacto complainant, before attaining majority and he had sexual intercourse with her, for which a case has been registered in Crime No.25 of 2022.

3. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, the second respondent is not interested in proceeding the case further. The second respondent and the accused, the petitioner herein appeared before this Court.

4. The second respondent states that she has now attained majority and married the petitioner and she is now living with the petitioner only. The petitioner is also close relative of the second respondent. With



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consent of their family members, they are living together. This fact is also admitted by the petitioner. To prove the age of the second respondent, a copy of the birth certificate has been produced, which shows that she was born on 08.03.2005 and now, she became major.

5. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel.

6. In the instant case, the dispute between the parties has been compromised out of the Court. When the parties have compromised the matter, the High Court has to power to quash the complaint for the offences.

7. The legal position expressed by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab and another** reported in (2012)



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10 SCC 303 and also in the case of **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) reported in **(2017) 9 SCC 641** was taken into consideration.

8. In the light of the guidelines issued in the aforesaid Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the FIR in Crime No.25 of 2022 on the file of the first respondent police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.25 of 2022 on the file of the first respondent police is quashed and the terms of joint compromise memo shall form part and parcel of this order.

18.05.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non speaking order
Sm



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- 1.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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T.V.THAMILSELVI, J.

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