



WEB COPY

Crl.O.P.(MD)No.11208 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11208 of 2023

and

Crl.M.P.(MD)Nos.8882 & 8883 of 2023

Jabarullahkhan

... Petitioner / Sole Accused

Vs.

1.The State represented by

The Inspector of Police,

All Women Police Station,

Ramanathapuram District.

... 1st Respondent / Complainant

2.Jasrin

... 2nd Respondent /Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.284 of 2022, on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram and to quash the same.

For Petitioner : Mr.M.Ajmal Khan, Senior counsel,
For M/s. Ajmal Associates

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1

: Mr.V.Karthikraja for R2



ORDER

WEB COPY

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to quash the charge sheet in C.C.No. 284 of 2022, on the file of the Judicial Magistrate - Additional Mahila Court, Ramanathapuram.

2. The case of the prosecution is that the defacto complainant is studying second year B.Com in Syedammal Arts and Science College. When she was suffering from pain on the back side, she was taken to Bharathinagar, I.C.Hospital, on 02.10.2022, she was subjected to medical examination by the accused. At the time of examination, the petition touched her private parts inappropriate manner. When the defacto complainant tried to avoid the above said touch, the accused repeated the same. So, on the basis of the above said complaint, a case in Crime No.20 of 2022, under Sections 354A, 354B I.P.C and 4 of Tamil Nadu Prohibition of Harassment of Women Act, was registered and after investigation charge sheet was filed and the same was taken on file as C.C.No.284 of 2022, on the file of the Judicial Magistrate - Additional Mahila Court, Ramanathapuram.



WEB COPY

3. Seeking quashment of the same this petition has been filed by the petitioner along with the joint compromise memo.

4. Both the parties were present before this Court and the defacto complainant would submit that even the behavior of this petitioner was inappropriate, considering her future life, she is not willing to pursue the matter further. The accused also present before this Court and stated that what was done by him was to examine the defacto complainant for diagnose, except that, he did not misbehave.

5. However, considering the fact that both the parties have now come to an agreement not to proceed with the matter further and even though the allegation was serious in nature, it is stated that the petitioner for the past 45 years, is practicing Medicine, in that area and so far, no complaints has been registered against him. Due to some misapprehension of act, the complaint was given by the defacto complainant.

6. A joint memo of compromise was filed, which has been duly signed by the petitioner and the 2nd respondent and also by their respective counsels.



WEB COPY

7. The petitioners and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Joint Compromise Memo is recorded.

8. On considering the future of the defacto complainant, the joint compromise memo may be accepted on the ground, this Petition is allowed and the proceedings, in C.C.No.284 of 2022, on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram, is hereby set aside. Consequently, connected Miscellaneous Petitions are closed.

22.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Ls



To
WEB COPY

- 1.The Judicial Magistrate,
Additional Mahila Court,
Ramanathapuram.
- 2.The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11208 of 2023

G.ILANGOVAN,J.

Ls

Order made in
Crl.O.P.(MD)No.11208 of 2023

Dated: 22.06.2023