



Crl.O.P.(MD)No.15858 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15858 of 2022

Samayan

... Petitioner

Vs.

1.The Inspector of Police,
Elumalai Police Station,
Usilampatti Taluk,
Madurai District,
Madurai.
(Crime No.189/2019)

2.Pappathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.189 of 2019 dated 17.07.2019 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.S.Vasanth



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.189 of 2019 dated 17.07.2019 on the file of the first respondent and quash the same as illegal.

2.The case of the prosecution is that the defacto complainant's minor daughter was missing from 14.07.2019. Hence, she lodged a complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.189 of 2019 dated 17.07.2019 for the offences under the caption girl missing. After investigation, the case was altered into 366(A)IPC and thereafter, again altered into Sections 5(j)(ii),(1) and 6 POCSO Act, 2012 vide alteration report dated 29.08.2019.



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4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the victim girl was 17 years old at the time of occurrence. The learned counsel for the petitioner would submit that the petitioner had married the victim girl on 26.09.2019 and their marriage was registered on 27.11.2019 and they are blessed with two children. They have also produced the marriage certificate.

5.The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by M/s.V.Eswari, Special Sub Inspector of Police(in-charge), Chekkanoorani as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that



the parties have come to an amicable settlement between themselves.

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7.In the instant case, it is a family dispute and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 5(j),(1) and 6 POCSO Act, 2012.

8.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)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

9.In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.189 of 2019 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.189 of 2019 on the file of



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the first respondent police, is quashed and the terms of joint compromise

memo shall form part and parcel of this order.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Inspector of Police,
Elumalai Police Station,
Usilampatti Taluk,
Madurai District,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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