



WEB COPY



CrI.O.P.(MD)No.17433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.17433 of 2023
and CrI.M.P(MD)No.13841 of 2023

Sahaya Fransis Vinoth

... Petitioner

Vs

1. The Inspector of Police,
All Women Police Station,
Thiruchendur,
Thoothukudi District.

2. Santhana Arokiya Princy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, call for the records pertaining to the Criminal case in S.C.No.293 of 2022 on the file of the learned Sessions Judge, Mahila Court, Thoothukudi and quash the same.

For petitioner : Mr.R.Balarkrishnan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.R.Manojkumar



ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.293 of 2022 on the file of the learned Sessions Judge, Mahila Court, Thoothukudi.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.10 of 2021 for the offences punishable under Sections 417, 376 IPC, against the petitioner. There was a love affair between the parties.

3.The further contention of the petitioner is that he compromised the issue with the 2nd respondent amicably. 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.

4.The petitioner and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were identified by the learned Additional Public Prosecutor and the Investigation Officer. They were also appeared before the High Court



CrI.O.P.(MD)No.17433 of 2023

Legal Services Committee, Madurai. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Though the offence under Section 376 IPC levelled against the petitioner, today, the defacto complainant appeared before this Court stating that the petitioner is her maternal uncle and they were in love with each other, thereafter, due to some sort of trouble arose between them, the present complaint has been filed against the petitioner. After filing of complaint, the petitioner married the defacto complainant, they are living together and they got two children.

6.Considering the close relationship between the parties and now, they got two children, also considering totality of the circumstances and in view of the joint compromise memo, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in S.C.No.293 of 2022 pending on the file of the learned Sessions Judge, Mahila Court, Thoothukudi in respect of the petitioner.

7.In the result, the Criminal Original Petition stands allowed



WEB COPY



Crl.O.P.(MD)No.17433 of 2023

and the entire proceedings in S.C.No.293 of 2022, pending on the file of the learned Sessions Judge, Mahila Court, Thoothukudi is hereby quashed in respect of the petitioner. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order. Consequently, connected miscellaneous petition is closed.

31.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PNM

To

- 1.The Sessions Judge, Mahila Court, Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN. J.



WEB COPY



Crl.O.P.(MD)No.17433 of 2023

PNM

ORDER IN
Crl.O.P.(MD)No.17433 of 2023
and Crl.M.P(MD)No.13841 of 2023

31.10.2023