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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4630 of 2024

1.Vigenesh

... Petitioner/
Accused A1

.VS.

1.State rep.by
The Inspector of Police
W-15, Royapuram AWPS
Chennai District.

..1st Respondent /Complainant

(Crime No.2242 of 2020)

2.Megala

..2st Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Spl SC.No.122 of 2022, on the file of the Special Judge, Magalir Neethimandram at Allikulam and compromise quash the same.

For Petitioner : Mr.K.Vinoth Kumar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl SC.No.122 of 2022, on the file of the Special Judge, Magalir Neethimandram at Allikulam.



2. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The victim girl was present along with her mother, who is the de facto complainant. She stated that she married the petitioner and through the marriage, there is a child named Vansikasree, aged about 3 years. She stated that she is living happily with the petitioner and requested this Court to close the case. The de facto complainant, who is the mother of the victim girl also reiterated the statement made by the victim girl and requested this Court to close the criminal case.

4. Joint Memo of Compromise of the petitioner and the 2nd respondent dated 8.12.2023, has been filed before this Court which has been signed by the petitioner and the 2nd respondent/de facto complainant and also by their respective counsel. The petitioner and the 2nd respondent were also present in person before this Court and they were identified by Mrs. Vijayalakshmi, WSSI-20852, W-14, All Women Police Station, Royapuram, Chennai-13. In the affidavit, it has been stated that the petitioner and the 2nd respondent have entered into a compromise and amicably settled their issues in Spl SC.No.122 of 2022, on the file of the Special Judge, Magalir Neethimandram at Allikulam.

5. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature.



In the light of the guidelines given by the Hon'ble Supreme Court reported in (2017)

9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath) and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in (2019) 2 MLJ CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the proceedings in Spl SC.No.122 of 2022, on the file of the Special Judge, Magalir Neethimandram at Allikulam.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl SC.No.122 of 2022, on the file of the Special Judge, Magalir Neethimandram at Allikulam, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order.

28.02.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP
To

1. The Inspector of Police
W-15, Royapuram AWPS
Chennai District.
2. Special Judge,
Magalir Neethimandram
Allikulam.
- 3.The Public Prosecutor,
High Court of Madras.



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N. ANAND VENKATESH., J
KP

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