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Crl.O.P No.25870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.25870 of 2023

Subash

... Petitioner

.VS.

1.State rep.by
The Inspector of Police
Palladam Police Station
Tiruppur District.

..1st Respondent /Complainant

2.S.Bagyalakshmi

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Special SC.No.23 of 2023, pending on the file of the Fast Track, Mahila Court, Tiruppur and quash the proceedings pending as against the petitioner.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Special SC.No.23 of 2023, pending on the file of the Fast Track, Mahila Court, Tiruppur.

2.This is a case where both the petitioner as well as the victim girl were minors when they eloped in the year 2021. Both of them seems to belong to the same place and they developed a love affair which resulted in elopement. The date of birth of the petitioner is 26.8.2004 and the date of birth of the victim girl is 17.7.2006.

3.The victim girl was present along with her mother Bagyalakshmi. She stated that her daughter is now living with the petitioner happily and that the parents of the petitioner are also taking care of her daughter well. She requested this Court to close the criminal case considering the future of the petitioner and her daughter.

4.The continuation of the criminal case as against the petitioner virtually damage the future of the petitioner who was a minor at the time of the incident. That apart, the petitioner is now eking his livelihood by undertaking painting works and he is taking care of the victim girl. Therefore, considering the peculiar facts of this case, this Court is inclined to quash the proceedings.



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5.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.

6. Joint Compromise Memo dated 19.09.2023 signed by both petitioner and second respondent/victim and their respective counsel has been filed before this Court. An affidavit has also been filed by the second respondent before this Court. In order to identify the respective parties they have also produce the copy of the Aadhaar Card is made part of the record. The petitioner and second respondent were also present in person before this Court. In the Joint Compromise Memo, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Special SC.No.23 of 2023, pending on the file of the Fast Track, Mahila Court, Tiruppur.

7. 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



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in Special SC.No.23 of 2023, pending on the file of the Fast Track, Mahila Court,
Tiruppur.

8.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special SC.No.23 of 2023, pending on the file of the Fast Track, Mahila Court, Tiruppur, is quashed and the terms of Joint compromise memo and affidavit of the 2nd respondent shall form part and parcel of this order.

02.01.2024

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



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To

1. The Inspector of Police
Palladam Police Station
Tiruppur District.
2. Fast Track, Mahila Court,
Tiruppur.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J

KP

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