



Crl.O.P.(MD)No.17075 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2024

CORAM:

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P.(MD)No.17075 of 2022

and

Crl.MP(MD)No.11469 of 2022

Alagan @ Chellam

... Petitioner / Accused

Vs.

1.The State rep. by
The Sub Inspector of Police,
Kottampatti Police Station,
Kottampatti,
Madurai District.

... 1st Respondent/Complainant

2.Alagu

... 2nd Respondent/Defacto Complainant

3.Sivaranjitha

... 3rd Respondent/Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to quash all further proceedings in Special Sessions Case No.180 of 2021 in Crime No.885 of 2020, dated 22.11.2020 of Kottampatti Police Station, Madurai District, pending before the Sessions Judge, Mahila Court, Madurai.



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For Petitioner : Mr.P.Vairava Sundaram
For R1 : Mr.R.M.Anbunithi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the charge sheet in Special Sessions Case No.180 of 2021 pending on the file of the learned Sessions Judge, Mahila Court, Madurai.

2. The case of the prosecution is that the petitioner fell in love with the third respondent/victim girl, who is aged about 17 years and on the pretext of marriage, the petitioner had physical relationship with the minor girl on several times. Hence, the second respondent/defacto complainant, who is the father of the third respondent, has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No. 885 of 2020 against the petitioner for the offences under Sections 343 and 366 of IPC and Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012.



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3. The learned counsel appearing for the petitioner would submit that the petitioner has married the third respondent and that they are living together as a husband and wife. He would further submit that subsequent to the marriage, the third respondent has delivered a girl child and that the petitioner is taking care of the third respondent as well as the child.

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

5. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner, second and third respondents. The petitioner and the second and third respondents were also present in person before this Court and they were identified by the learned Government Advocate (Criminal side). This Court also enquired both the parties and they accepted the terms of compromise and prayed to quash the charge sheet in Special Sessions Case No.180 of 2021.



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6. 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*** is taken into consideration.

7. In the instant case, though the petitioner is charged with for the offences punishable under Sections 343 and 366 of IPC and Sections 5(l) and 6 of Protection of Child from Sexual Offences Act, 2012, it seems that now the petitioner and the third respondent have amicably settled their dispute between themselves. The petitioner and the third respondent/victim got married and they have one girl child. The respondents 2 and 3/defacto complainant and victim are also not interested in prosecuting the criminal proceedings.

8. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 29.04.2024, this Court is of the opinion that no useful purpose will be served by keeping the matter pending.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.180 of 2021 on the file of the learned Sessions Judge, Mahila Court, Madurai, is quashed and the Joint Compromise Memo is recorded. The terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

29.04.2024

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
VSD

To

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

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A.A.NAKKIRAN, J.,

VSD

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