



CRL.O.P (MD) No.13747 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.O.P (MD) No.13747 of 2023

G.Arumugaperumal @ Alex

... Petitioner

Vs

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

2. G.Kaikeyi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records in relating to the proceedings in S.C.No.24 of 2023 on the file of the Mahila Court, Thoothukudi District and quash the same as illegal.

For Petitioner : Mr.P.Banu Prasath

For R-1 : Mr.M.Aasha
Government Advocate (Crl. Side)

For R-2 : Mr.K.Arun Raj



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ORDER

This Criminal Original Petition is filed to quash the impugned proceedings in S.C.No.24 of 2023 on the file of the Mahila Court, Thoothukudi, Thoothukudi District

2. The learned Counsel for the petitioner seeks quashment of the case on compromise. The joint compromise memo is also filed. Today, it is reported by the learned Government Advocate (Crl. side) that the compensation is repaid by the defacto complainant. On the last occasion, the victim was also present before this Court. Further it is submitted that the victim got married to a third person and she is no more interested in prosecuting the case.

3. Upon reading the statement under Section 161 of Cr.P.C., given by the victim, it can be seen that both the petitioner as well as the victim were in a relationship. It can be seen that when they were in their house in a private manner, her father entered the house and therefore, upon seeing the father, the petitioner ran away from the scene and that is the



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genesis of the case.

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4. In cases of this nature, even though the offence which is alleged is serious in nature, under the pigeon hole of rape, it can be seen the that the gravamen of the allegations run thus. Therefore, if considered in that context, where the parties were only in a relationship and upon being caught by the father, a complaint came to be lodged and both parties have moved on in their life and the victim also got married. The defacto complainant is present before Court and submitted that she will no longer support the case of the prosecution and she does not want to pursue the allegation and that she is residing in some other family and that any further continuation of this case would end up spoiling her family life also.

5. Considering the overall facts and circumstance the case, I am of the view that this case is an extraordinary case where this Court can exercise its power under Section 482 of the Code of Criminal Procedure .

6. For all the above reasons, the proceedings in S.C.No.24 of 2023



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pending on the file of the Mahil Court, Thoothukudi District, shall stand quashed. The joint compromise memo shall form part and parcel of the order.

7. Accordingly, this Criminal Original Petition is allowed.

28.10.2024

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

jbr

To

1. The Inspector of Police,
All Women Police Station,
Srivaigundam,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J

jbr

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