



Crl.O.P.(MD)Nos.16702 of 2023 and 20324 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)Nos.16702 of 2023 and 20324 of 2022

and

Crl.M.P.(MD)Nos.13313 of 2023 and 14079 of 2022

Crl.O.P.(MD)No.16702 of 2023

Subash Raj

... Petitioner/A1

vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai City
(Crime No.4 of 2022)

... 1st Respondent/Complainant

2.Karthika

... 2nd Respondent/Defacto -
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned charge sheet in P.R.C.No.300 of 2022 on the file of the Additional Mahila Court, Judicial Magistrate Court, Madurai and quash the same.

For Petitioner : Mr.R.Jegadeeswaran

For R1 : Ms.Aasha
Government Advocate (Crl. Side)



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For R2 : Mr.S.Akash Pandian

Crl.O.P.(MD)No.20324 of 2022

1.Soosairaj

2.M.S.Fatima Mary

3.Subha Rexi

... Petitioners/A2 to A4

vs.

1.The State Represented by
The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai City
(Crime No.4 of 2022)

... 1st Respondent/Complainant

2.Karthika

... 2nd Respondent/Defacto -
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned complaint in P.R.C.No.300 of 2022 on the file of the Additional Mahila Court, Judicial Magistrate Court, Madurai and quash the same.

For Petitioners : Mr.R.Jegadeeswaran

For R1 : Ms.Aasha
Government Advocate (Crl. Side)

For R2 : Mr.S.Akash Pandian



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COMMON ORDER

These Criminal Original Petitions have been filed to quash the impugned charge sheet in P.R.C.No.300 of 2022 on the file of the Additional Mahila Court, Judicial Magistrate Court, Madurai.

2. The Joint compromise memos have also been filed. The allegation in this case is that the petitioner/1st accused had promised to marry the de-facto complainant, and had intercourse and subsequently, did not marry her and hence, the case has been registered under Section 376 and 417 of Indian Penal Code.

3. In cases of this nature, this court cannot go by the prosecutrix alone, but has to consider the gravamen of the allegations before exercising the power under Section 482 of the Code of Criminal Procedure.

4. A perusal of the statements, which are made under Section 161 of the Code of Criminal Procedure, it can be seen that in this case, both the parties i.e. the petitioner/1st accused as well as the de-facto complainant



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6. Accordingly, these Criminal Original Petitions in Crl.O.P.(MD)Nos.16702 of 2023 and 20324 of 2022 shall stand allowed. The joint compromise memos shall form part of this order, and the case in P.R.C.No.300 of 2022 on the file of the Additional Mahila Court, Judicial Magistrate Court, Madurai shall stand quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

29.10.2024

NCC : Yes / No
mkn

To

- 1.The Additional Mahila Court,
Judicial Magistrate Court,
Madurai
- 2.The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai City
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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D.BHARATHA CHAKRAVARTHY, J.

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and
Crl.M.P.(MD)Nos.13313 of 2023 and 14079 of 2022

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