



Crl.O.P.(MD)No.20199 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20199 of 2024

M.Karthick Raja

... Petitioner

Vs.

1.The Inspector of Police,
(Cyber Crime Police), Theni,
CCD-III, Theni District,
(Crime No.7 of 2021)

2.Banumathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet in C.C.No.101 of 2023 pending on the file of the learned Judicial Magistrate, Theni and quash the same.

For Petitioner	: Mr.P.Mahendran
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.T.Manikandan

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.101 of 2023 on the file of the learned Judicial Magistrate, Theni.



Crl.O.P.(MD)No.20199 of 2024

WEB COPY

2. The case of the prosecution is that the petitioner, who was working in a private company, has sent obscene messages with morphed photographs to the defact complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.7 of 2021, after investigation, final report was filed and the same taken cognizance in C.C.No.101 of 2023, on the file of the learned Judicial Magistrate, Theni for the offences under Sections 354 A IPC and Sections 67 and 67 A of Information Technology (Amendment) Act, 2008 against the petitioner.

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. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels.



Crl.O.P.(MD)No.20199 of 2024

The petitioner and the second respondent are present before this Court and identified by Mr.P.Krishnan, SSI of Police, Theny Cryber Crime Police Station, Theni, as well as by the learned counsel appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, the petitioner is the sole accused. Now the parties have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) 10 SCC 303 and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) 9 SCC 641 were taken into consideration.

8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.101 of 2023 as against the petitioner pending



Crl.O.P.(MD)No.20199 of 2024

before the learned Judicial Magistrate, Theni even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.101 of 2023, on the file of the learned Judicial Magistrate, Theni is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
ta

06.12.2024

To

- 1.The Judicial Magistrate, Theni.
- 2.The Inspector of Police,
(Cyber Crime Police, Theni,
CCD-III, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.20199 of 2024

M.NIRMAL KUMAR, J.

ta

Crl.O.P.(MD)No.20199 of 2024

06.12.2024