



Crl.O.P.(MD)No.21460 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21460 of 2024

Selvam @ Mayandi

... Petitioner

Vs

1. State Rep.through
The Inspector of Police,
AWPS- Thiruppathur Police Station,
Sivagangai District.
Crime No. 7 of 2024..

2. Pothum Ponnu,

3. Meenal,

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR in Crime No. 7/2024 dated 02.09.2024 on the file of the 1st respondent police and to quash the same as illegal.

For Petitioner : Mr.Ramesh.V

For Respondents : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. T.Joshva (R2 & R3)



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ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.7 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant is the sister of victim, who is a disabled person. The petitioner used to come to the house of victim and had sexual intercourse with her by force. Thereafter, the petitioner had intercourse with her by promising to marry her. On 01.09.2024, when the victim informed the same to her mother and the defacto complainant. Hence this present case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.7 of 2024, for the offences under Sections 318(2), 64, 351(2) of BNS Act against the petitioner.



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4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. The defacto complainant came to know that no one witnessed the incident of sexual assault committed by the petitioner and the said complaint is given due to family dispute.

5. A Joint Memo of Compromise, dated 05.12.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.K.Gokila, SI of Police, Thirupathur AWPS, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Section 318(2), 64, 351(2) of BNS Act.



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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 Crime No.7 of 2024, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.7 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

19.12.2024

NCC : Yes / No
Index : Yes / No
PNM



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To

1.The Inspector of Police,
AWPS- Thiruppathur Police Station,
Sivagangai District.
Crime No. 7 of 2024.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

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