



Crl.O.P.No.24094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.24094 of 2024
and Crl.M.P.No.13568 of 2024

M.Imayath

... Petitioner

Vs.

1. The State by
The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai – 600 004.
(Crime No.609/2021)

2. Devi
3. XXX

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C., to call for the records in Spl.S.C.No.39 of 2023 pending on the file of the learned Sessions Judge, Mahila Court, Chennai and quash the same.

For Petitioner : Mr.Manoj Sreevalsan

For Respondents

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to quash the proceedings in Spl.S.C.No.39 of 2023 pending on the file of the learned Sessions Judge, Mahila Court, Chennai, as against the petitioner, thereby taken cognizance for the offences under Section 366 of IPC and Sections 5(1) and (j)(ii) r/w 6 of the Protection of Child from Sexual Offences Act, 2012.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner, victim girl and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. It is seen that now the victim girl viz., the third respondent attains majority and she married the petitioner/accused. Their marriage also got registered before the authority concerned. Now both are living happily and therefore, the petitioner need not go for ordeal of trial.

5. Under such circumstances, no useful purpose will be served in keeping the proceeding pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641** in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath***, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Spl.S.C.No.39 of 2023 pending trial on the file of the learned Sessions Judge, Mahila Court, Chennai.

6. In view of the above, the proceedings in Spl.S.C.No.39 of 2023 pending on the file of the learned Sessions Judge, Mahila Court, Chennai, is hereby quashed as against the petitioner. The terms of Joint Memo of Compromise shall form part and parcel of this Order.



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WEB COPY 7. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

rts



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To
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1. The Sessions Judge,
Mahila Court, Chennai.
2. The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai – 600 004.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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