



Crl.O.P.(MD)No.1676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1676 of 2025

S.Devaraj

... Petitioner

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District,
(In Crime No.24 of 2014)

2.Muthu Irulayee

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in S.C.No.71 of 2016 pending on the file of the learned Fast Track Mahila Court, Sivagangai and quash the same as illegal.

For Petitioner	: Mr.H.Mohammed Farook
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.A.Ajith Prakash

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.71 of 2016 on the file of the Fast Track Mahila



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Court, Sivagangai.

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2. The case of the prosecution is that the petitioner on the false promise of marriage had sexual intercourse with the defacto complainant and thereafter refused to marry her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.24 of 2014 and after investigation, final report was filed and the same was taken cognizance in S.C.No.71 of 2016 on the file of the Fast Track Mahila Court, Sivagangai for the offences under Sections 417, 376, 506(i) IPC 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.

The petitioner and the second respondent are present before this Court



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and identified by Mr.K.Maheswari, SSI of Police, Karaikudi AWPS Police Station, Sivagangai District, 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. The petitioner and the victim loved each other and now they got separated and 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 S.C.No.71 of 2016 as against the petitioner on the file



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of the Fast Track Mahila Court, Sivagangai even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.71 of 2016 on the file of the Fast Track Mahila Court, Sivagangai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

29.01.2025

Index : Yes / No
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To

1.The Fast Track Mahila Court, Sivagangai

2. The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

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



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M.NIRMAL KUMAR, J.

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