



Crl.O.P.(MD)No.6401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.6401 of 2024

and

Crl.O.P.(MD)Nos.4850 & 4851 of 2024

Karthikeyan

... Petitioner

Vs.

1. State through Rep.

The Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.
in Crime No.45/2016.

2. Ramu

3. Ramana

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for the records in SC No.111 of 2024 on the file of the Additional District Judge, Sivagangai in Crime No. 45/2016 on the file of the 1st Respondent/Complainant and quash the same. Otherwise this Petitioner/Accused will be seriously prejudice and thus render justice.

[Prayer amended vide order dated 08.01.2025]

For Petitioner	: Mr.P.Aju Tagore
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R3	: Mr.A.Arputha Raj



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.111 of 2024 on the file of the Additional District Judge, Sivagangai.

2.The case of the prosecution is that the petitioner is said to have kidnapped the second respondent on 13.07.2016 at about 06.30 p.m.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.45 of 2016 and after investigation, final report was filed and the same was taken cognizance in S.C.No.111 of 2024 on the file of the Additional District Judge, Sivagangai for the offences under Sections 366(A) 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.



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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 and identified by Mr.S.Vellaisamy, SSI of Police, Keelasevalpatti 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 have married and the marriage certificate is also annexed in the typed set of papers. 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.



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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.111 of 2024 on the file of the Additional District Judge, 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.111 of 2024 on the file of the Additional District Judge, Sivagangai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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22.01.2025

To

1.The Additional District Judge, Sivagangai

2.The Inspector of Police,
Keelasevalpatti Police Station,
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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