

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12041 of 2019

A.Parthiban Petitioner/Sole Accused
Vs.
1.The State Rep by. 1st Respondent/Complainant
The Inspector of Police
J-10 Semmancherry Police Station
Chennai 600 119
(Crime No.262/2016)
2.Neelagandan 2nd Respondent/Defacto
Complainant
3.Santhiya 3rd Respondent/The Victim

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the case in Spl.S.C.No.16 of 2019 pending on the file of the learned Sessions Judge-cum-Mahila Court, Chengalpattu and quash all further proceedings therein under Section 366 A IPC and 5(1) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 against the petitioner/sole accused herein.

For Petitioner : Mr.G.Saravanan

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1

ORDER

The Criminal Original Petition filed by the petitioner under Section 482 Cr.P.C. to call for the records relating to the case in Spl.S.C.No.16 of 2019 pending on the file of the learned Sessions Judge-cum-Mahila Court, Chengalpattu and quash all further proceedings therein under Section 366 A IPC and 5(1) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 against the petitioner/sole accused herein.

2.The learned counsel appearing for the petitioner would submit that the petitioner and the third respondent / victim were friends and that they have gone out of station, without the knowledge of their parents and hence, the father of the victim / second respondent, namely Neelagandan, had given a complaint dated 07.03.2016 stating that the petitioner had abducted her daughter. He would further submit that based on the complaint given by her, a case in Crime No.262 of 2016 was registered for the offence under Section 366 (A) IPC. Coming to know about the registration of the case, both of them came back to home and the third respondent / victim was landed over to the custody of her parents.

3.The learned counsel for the petitioner would submit that it is a case of friendship and elopement and that the third respondent / victim was enquired by the Magistrate under Section 164 Cr.P.C. and nothing had been stated by her as if she was sexually assaulted by the petitioner. He would further submit that at the time of occurrence, the petitioner was aged about 24 years and the third respondent was aged about 17 years and that due to their young age, both of them were not aware of the consequences and that they have gone out without knowledge of their parents. He would also submit that now the third respondent had attained majority and the petitioner has compromised the matter with the third respondent / victim and they have filed a joint memorandum of compromise dated 30.04.2019 before this Court stating that the matter has been settled amicably between them and the pendency of the criminal case in Spl.S.C.No.16 of 2019 will hamper the peaceful and harmonious married life of the petitioner and the third respondent. The third respondent herein is in the advanced stage of pregnancy.

4.The learned Additional Public Prosecutor appearing for the first respondent police would submit that offences of POCSO Act cannot be quashed merely the parties arrived at compromise.

5.At this juncture, the learned counsel for the petitioner would submit that in similar circumstances this Court, on an earlier occasion, in Crl.O.P.(MD)No.836 of 2018, dated 11.01.2018 and in Crl.O.P.(MD) No.10253 of 2018, dated 05.04.2018, had relied upon the judgment of the Hon'ble Supreme Court made in Crl.M.P.No.18630 of 2016 stating that even in case where the offences are not compoundable registered under Section 363 IPC, Sections 9 and 4 of POCSO Act, in view of the compromise arrived at between the parties, same can be quashed.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copy of the Aadhaar Card, which is 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. The parties appeared in person and they have expressed their regret stating that the incident had happened in their young age and they want to forget the past and to start a life afresh and come up in their lives pursuing their careers.

7.Under such circumstances, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.16 of 2019 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-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.16 of 2019.

8.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.16 of 2019 pending on the file of the learned Sessions Judge, Mahila Court, Chengalpattu, is quashed and the terms of Joint Compromise Memo dated 30.04.2019 shall form part and parcel of this order.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Sessions Judge-cum-Mahila Court,
Chengalpattu.

2.The Inspector of Police
J-10 Semmancherry Police Station
Chennai 600 119
(Crime No.262/2016)

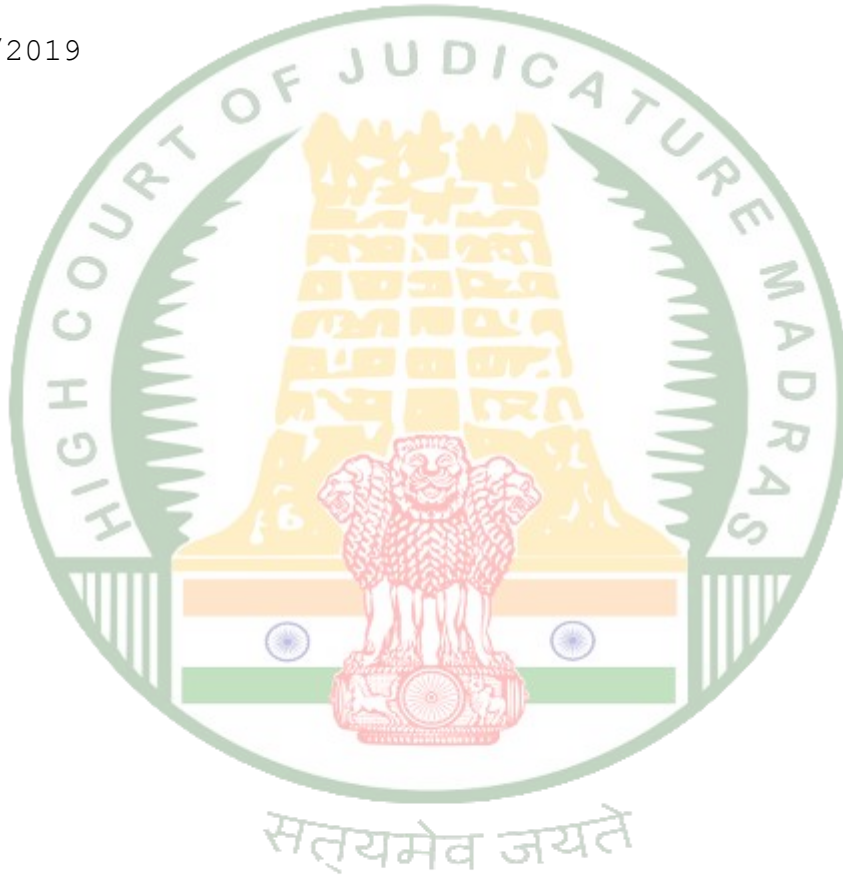
3.The Public Prosecutor
High Court of Madras

- 1 cc to Mr.G.Saravanan, Advocate Sr.No.42840

Crl.O.P.No.12041 of 2019

SJ(CO)

RRI 08/06/2019



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