



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18987 of 2021
and
Crl.M.P.No.10417 of 2021

Dominic Prabu

... Petitioner

Versus

1. The State,
Rep. by Inspector of Police,
AWPS- Teynampet,
Chennai District.
(Crime No.04 of 2019).

2. Sherley Durai
3. Sindhya

... Respondents

PRAYER:-

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.S.C.No.80 of 2020 on the file of the Hon'ble Special Court for Exclusive Trial of Cases under POCSO Act at Chennai and quash the same as against the petitioner and grant such other equitable relief deemed fit and proper in the interest of justice and equity.

For Petitioner : Mr.Alihassan Khan

For Respondent No.1 : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in Spl.S.C.No.80 of 2020 on the file of the Hon'ble Special Court for Exclusive Trial of Cases under POCSO Act at Chennai and quash the same as against the petitioner and grant such other equitable relief deemed fit and proper in the interest of justice and equity.



2. The case of the prosecution is that the petitioner and the victim girl are known each other during the victim's school studies and had gone to several places such as beach and restaurants and the petitioner dropped the victim girl at her residence at 01.00am. on 06.08.2019 when the victim girl Ms.Sindhya had left for college, she was picked up from the college by the petitioner in his car and was given cool drinks which intoxicated the victim and thereafter, the petitioner had hugged the victim and thereby, behaved inappropriately. In view of the above, the 2nd respondent/defacto complainant lodged a complaint on 07.08.2019 against the petitioner and a case was registered for offences under Section 363A, 342 of IPC and 8 of POCSO Act. Subsequently, it was altered into under Sections 363, 365, 366, 354(A) IPC & 8 of POCSO Act. After completion of the investigation, the charge sheet was filed before the Special Court for Exclusive Trial of cases under POCSO Act at Chennai and the same was taken on file in Spl.S.C.No.80 of 2020.

3. The learned counsel for the petitioner submitted that subsequently, the petitioner and the 3rd respondent have entered into a compromise and amicably settled their issues, which is the subject matter of the case in Spl.S.C.No.80 of 2020 and the defacto complainant also gave a letter dated 22.10.2021 to the respondent police that she is not willing to proceed the matter further. In this regard, the memo of compromise and the letter dated 22.1.2021 were produced before this Court.

4. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. The memo of compromise dated 17.09.2021 has been filed by the petitioner and the third respondent before this Court. The petitioner appeared through video conferencing and the victim girl appeared physically in the Court and gave consent to compromise the matter between them. In the memo of compromise, it has been stated that the petitioner and the third respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.80 of 2020. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the case 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 Gujrat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise



of its jurisdiction under Section 482 Cr.P.C., quashes the case in Spl.S.C.No.80 of 2020, pending on the file of the Court for Exclusive Trial of Cases under POCSO Act at Chennai.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.80 of 2020, pending on the file of the Court for Exclusive Trial of Cases under POCSO Act at Chennai, is quashed and the terms of memo of compromise shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

* Xerox Copy of Memo of Compromise
dated 22/10/2201 is enclosed

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Special Court,
The Court for Exclusive Trial of
Cases under POCSO Act,
Mahila Court,
Chennai.
2. The Inspector of Police,
AWPS- Teynampet,
Chennai District.
(Crime No.04 of 2019).
3. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.Alihassan Khan, Advocate, S.R.No.56009

CRL.O.P.NO.18987 OF 2021 AND
CRL.M.P.NO.10417 OF 2021

EV(CO)
PBS/25/11/2021