



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

CrI.OP(MD)No.436 of 2021

S.Palpandi

... Petitioner/Sole Accused
vs.

1.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
(Crime No.371 of 2017) ...1st Respondent/Complainant

2.V.Subramanian ...2st Respondent/Defacto Complainant

3.P.Muthuselvi ...3rd Respondents/Victim

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in SC.No.42 of 2019 pending on the file of the Sessions Judge (Special Court for Exclusive Trial of cases under POCSO Act), Tirunelveli and quash the same.

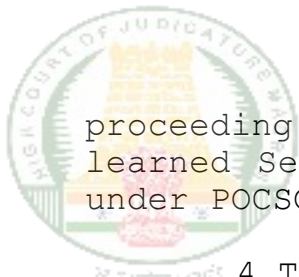
For Petitioner :Mr.R.J.Karthick
For R1 :Mr.A.Robinson,
Government Advocate (Criminal Side)

O R D E R

This petition has been filed seeking to quash the SC.No.42 of 2019 pending on the file of the learned Sessions Judge (Special Court for Exclusive Trial of cases under POCSO Act), Tirunelveli on the basis of joint compromise memo filed by the petitioner, second and third respondents.

2.The contention of the learned counsels for the petitioner is that based on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.371 of 2017 for the offences punishable under Sections 366 (a) of Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012, against the petitioner. The further contention of the learned counsel is that the petitioner and the third respondent / victim girl married each other in the year 2017 and they are also blessed with two children. A joint memo of compromise was filed, which has been duly signed by the petitioner, second and third respondents and also by their respective counsels.

3. Normally, this Court would not entertain a compromise, as far as the Protection of Children from Sexual Offences Act, 2012 is concerned. In the instant case, the accused and the victim married each other in the year 2017 and prior to their marriage, for three years, they were in love with each other. Further, they also have two children and therefore, no useful purpose would be served by



proceeding with the case in SC.No.42 of 2019 on the file of the learned Sessions Judge (Special Court for Exclusive Trial of cases under POCSO Act), Tirunelveli.

4.The petitioner, second and third respondents appeared in person along with their respective counsels and also produced their Aadhar cards before this Court. They were also identified by the learned Government Advocate (Criminal side) and Mr.A.David, Special Sub-Inspector of Police, Perumalpuram Police Station, Tirunelveli District. Both the parties to compromise were enquired by me and they accepted the terms of compromise. Hence the Compromise Memo is recorded.

5. Considering the totality of the circumstances and also in view of the joint compromise memo, dated 05.01.2021, this Court is of the opinion that no useful purpose would be served by keeping the matter pending.

6. In the result, the Criminal Original Petition stands allowed and the entire proceedings in SC.No.42 of 2019 pending on the file of the learned Sessions Judge (Special Court for Exclusive Trial of cases under POCSO Act), Tirunelveli, is hereby quashed in respect of the petitioner/sole accused and the terms of joint compromise memo shall form part of this order.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ENCL:Xerox Copy of Joint Compromise Memo

To

- 1.The Inspector of Police,
Perumalpuram Police Station, Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.
- 3.The Sessions Judge,
(Special Court for Exclusive Trial of cases under POCSO Act)
Tirunelveli.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-2475[F] dated 29/01/2021)

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ES(CO)

<https://hcservices.ecourts.gov.in/hcservices/>
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