



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25617 of 2021

S.Sindhanai Selvan

...Petitioner/Accused

Versus

1.State rep by

The Inspector of Police,
All Women Police Station,
Sethiyathope,
Cuddalore District.
(Crime No.11/2021)

2.Premalatha

... Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the SPL.SC. No.55/2021 on the file of the Special Court for Exclusive Trial of POSCO Act cases at Cuddalore and quash the same.

For Petitioners : Mr.I.Abrar Mohammed Abdullah
For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1
Mr.C.Gunasekaran for R2

O R D E R

The Criminal Original Petition has been filed to call for the records relating to SPL.SC. No.55/2021 on the file of the Special Court for Exclusive Trial of POSCO Act cases at Cuddalore and quash the same.

2. The case of the prosecution case is that the 2nd respondent aged about 15 years, completed 10th standard in the Government Higher Secondary School in her native. Her parents are daily laborers. On 15.06.2021, at about 6.30 pm, the 2nd



respondent while returning from Mathiazhagan Provisional Store, the petitioner held the 2nd respondent's hand and misbehaved with her. Therefore, she had lodged a complaint before the 1st respondent against the petitioner for the offence under Sections 341 of IPC, Section 7 & 8 of POSCO Act.

3. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner/victim's mother, a case in Crime No.11 of 2021 was registered on 16.06.2021. After investigation, charge sheet was filed on 15.07.2021, listing witnesses L.W.1 to L.W.20. The case was taken on file on 11.08.2021 in Special S.C. No.55 of 2021 by the Special Court for Exclusive Trial of POSCO Act cases at Cuddalore. He further submitted that the petitioner and the victim are relatives and they hail from the same village. There was some misunderstanding and now they resolved it and to verify the same, they were directed to appear before the respondent police. On their appearance, the respondent police confirmed their relationship and also confirmed that the dispute was resolved between them by entering into a compromise.

4. The case is pending Trial now. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. The Joint Memo of Compromise dated 01.11.2021 has been filed by the mother of 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioner present through Video conferencing. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in SPL.SC. No.55/2021 on the file of the Special Court for Exclusive Trial of POSCO Act cases at Cuddalore. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. This Court in the case of "Sabari Vs. Inspector of Police reported in 2019(2) MLJ CrI.110", had observed that during the adolescent age, boys and girls got involved in a relationship, such relationship would be the result of mutual innocence and biological attraction, which cannot be construed as an unnatural one or alien to between relationship of opposite sexes.

7. In a similar situation, in the case of "Kumar @ Tennish Vs. The Inspector of Police, Latheri Police Station, Katpadi Taluk, Vellore and another in CrI.O.P.No.16648 of 2018", this



Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

8. In the light of the above decisions and considering the fact that the continuation of the proceedings would affect the peaceful life of the victim girl and the accused, this Court is inclined to quash the proceedings against the petitioner in SPL.SC. No.55/2021 on the file of the Special Court for Exclusive Trial of POSCO Act cases at Cuddalore.

9. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in SPL.SC. No.55/2021 on the file of the Special Court for Exclusive Trial of POSCO Act cases at Cuddalore, is quashed and the terms of the Joint Compromise Memo shall form part and parcel of this order.

(* Memorandum of Compromise Xerox copies enclosed)

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkp
To

1. The Special Judge for Exclusive Trial of POSCO Act cases,
Cuddalore.
2. The Inspector of Police,
All Women Police Station,
Sethiyathope,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.25617 of 2021

VGII(CO)
SP(15/03/2022)