



CRL.O.P.No.23161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2022

CORAM:

THE HONOURABLE **MR JUSTICE V.SIVAGNANAM**

CRL.O.P.No.23161 of 2022

and

CRL.M.P.No.14808 of 2022

Arunachalam

... Petitioner

Vs.

1.The State by
The Inspector of Police,
All Women Police Station,
Sankari, Salem District.

2.A.Abinaya

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Spl.S.C.No.104 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem, quash the same.



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For Petitioner : Mr.A.Saravanan

For Respondents :

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to call for records pertaining to Spl.S.C.No.104 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem, quash the same.

2. The learned counsel for the petitioner submitted that based on the complaint given by the second respondent/defacto complainant, a case in Crime No.6 of 2021 was registered by the first respondent for the offence under Sections 5(j)(ii) and 6 of the Protection of Child from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 and altered into Sections 5(l), 5(j) (ii) and 6 of the Protection of Child from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 and Sections 344, 346, 363 and 366 of IPC.



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3. After completion of investigation, the first respondent has filed final report and the case was taken on file in Spl.S.C.No.104 of 2021, which is before the Special Court for Exclusive Trial of Cases under POCSO Act, Salem.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that on 11.06.2020, the petitioner had sexual intercourse with the second respondent/defacto complaint, due to which, the second respondent/defacto complainant has become pregnant, thereafter, the second respondent/defacto complainant had delivered a male child. He would further submit that on the date of occurrence, the victim girl was aged about 15 years and 11 months.

5. The criminal proceedings against the petitioner is pending before the Trial Court. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

6. This Court considered the rival submissions and perused the



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materials available on record and also the Joint Compromise Memo filed by the petitioner and the second respondent/defacto complainant.

7. A Joint Compromise Memo has been filed before this Court, which has been signed by the petitioner and the second respondent/defacto complainant and also by their respective counsels. The petitioner and the second respondent/defacto complainant were also identified by the The Inspector of Police, All Women Police Station, Sankari, Salem District. The petitioner and the second respondent/defacto complainant and their parents are present before this Court and they represented that the second respondent/defacto complainant and the petitioner are married, they are having child and now they are living in the same roof.

8. This Court also enquired both the parties and satisfied that the parties have compromised and settled their dispute out of force. In order to quash the proceedings under Section 482 of Cr.P.C., there should be certain specific ground as laid by the [Hon'ble Supreme Court in ***State of Haryana Vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika***



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Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs. SURAJ KUMAR & Another (1985 Crl.L.J.817).]

9. Hence accepting the Joint Compromise Memo filed by the petitioner and the second respondent/defacto complainant, the criminal proceedings pending against the petitioner in Spl.S.C.No.104 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem, is hereby quashed and this Criminal Original Petition is allowed. The Joint Compromise Memo signed by both the parties shall form part of Court records.

26.09.2022

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
arb

V.SIVAGNANAM, J.



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To

- 1.The Inspector of Police,
All Women Police Station,
Sankari, Salem District.
- 2.The Special Court for Exclusive Trial of
Cases under POCSO Act,
Salem.
- 3.The Public Prosecutor,
High Court of Madras.

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and
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