



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.5280 of 2022

Ajith ... Petitioner/Sole Accused

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
(Crime No.25 of 2019)

... Respondent/Complainant

2. Nazeema Beevi

... Respondent/Defacto Complainant

3.Lubeena

...Respondent/Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of impugned Charge Sheet in SPL.S.C No.99 of 2019 on the file of the learned Special Court for the Exclusive Trail of POCSO Act Cases, Nagercoil, Kanyakumari and quash the same as illegal.

For Petitioner : Mr.S.Manoj Kumar

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor for R.1

Mr.A.Abdul Kadar for R.2 & R.3

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in SPL.S.C.No.99 of 2019 on the file of the learned Special Court for the Exclusive Trail of POCSO Act Cases, Nagercoil, Kanyakumari

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

3.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second and third respondents and also by their respective counsel.



4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. 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 Charge Sheet in SPL.S.C.No.99 of 2019 pending on the file of the first respondent police.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in SPL.S.C.No.99 of 2019, on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, to the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India, Periyakulam in State Bank of India, Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, on or before 01.04.2022 and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Special Court for the Exclusive Trail of POCSO Act Cases,
Nagercoil,
Kanyakumari.

2.The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.

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



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

CrI.O.P(MD)No.5280 of 2022
23.03.2022

SJ(CO)
GC(25.03.2022) 3P 5C