



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.6398 of 2022

WEB COPY

1.Ananth
2.Ajith
3.Thangalingaraja
4.Suthan

...Petitioners/ Accused 1 to 4
Vs.

1.The Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Crime No.13/2017)

... 1st Respondent/Complainant

2.Amutha

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to quash the impugned Charge Sheet in Spl.S.C.No. 53 of 2018 dated 30/07/2018 filed under section 4, 5(i), 6, 17 of POCSO Act, 2012, 366(A), 506(i), 451 of IPC and Section 4 of TNPHW Act, 2002 on the file of the Special Court for the exclusive Trial of POCSO Act cases, Nagercoil filed in FIR in Crime No.13 of 2017 dated 31.10.2017, registered on the file of the 1st respondent police.

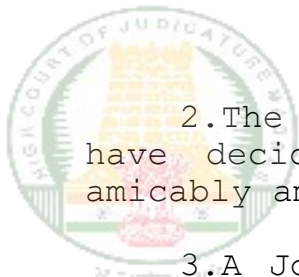
For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side)
for R1

Mr.P.Selvakamatchi
for R2

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.53 of 2018, on the file of the learned Judge, Special Court for the Exclusive trial of POCSO Act, Nagercoil, for an alleged offences under Sections 366(A), 506(i), 451 IPC, Sections 4, 5(i), 6, 17 of Protection of Child from Sexual Offences Act, 2012, Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.



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 petitioners and the second respondent 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 Gujarath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in Spl.S.C.No.53 of 2018 pending on the file of the learned Judge, Special Court for the Exclusive trial of POCSO Act, Nagercoil.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.53 of 2018 pending on the file of the learned Judge, Special Court for the Exclusive trial of POCSO Act, Nagercoil, is quashed insofar as the petitioners concerned and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Enclosed herewith Copy of the Joint Compromise Memo

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.

To:

1.The Judge,
Special Court for the Exclusive trial of POCSO Act
Nagercoil.

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

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



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

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-16891[F] dated
06/04/2022)

Crl.O.P. (MD)No.6398 of 2022
06.04.2022

MGJ(18.04.2022) 3P 5C