



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

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

CRL OP(MD) . No.6332 of 2022

WEB COPY

M.Manogar

... Petitioner/Sole Accused

Vs

1. The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi,
Tenkasi District,
Crime No.72 of 2019.

... 1st Respondent/Complainant

2. Pushpa Bharathi

... 2nd Respondent/
Defacto Complainant

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for records in Special C.C.No. 251 of 2019 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli and quash the same.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.R.M.Anbunithi,
R1 Additional Public Prosecutor

R2 : Mr.L.Subramanian Krishor

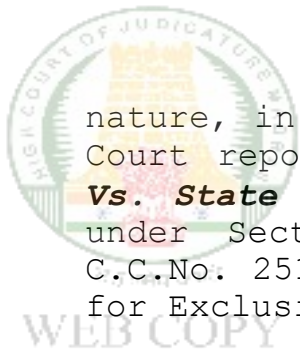
ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Special C.C.No. 251 of 2019, on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli, for an alleged offences under Sections 376, 366 IPC and Section 4 of Protection of Child from Sexual Offences Act, 2012.

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 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 Special C.C.No. 251 of 2019 pending on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special C.C.No. 251 of 2019 pending on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Encl:Photocopy of 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 Exclusive Trial of Cases
under POCSO Act, Tirunelveli.

2.The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi, Tenkasi District,

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

+1 CC to M/s.R.J. KARTHICK, Advocate (SR-17326[F] dated
07/04/2022)

CRL OP(MD) . No.6332 of 2022

Date : 06/04/2022

MGJ(25.04.2022) 2P 5C

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