



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)Nos.6798 & 6800 of 2022

Crl.O.P(MD)No.6798 of 2022:

Manikandan

... Petitioner/Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.129 of 2016)

... 1st Respondent/Complainant

2.P.Murugan

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in Spl.S.C.No.31 of 2018 on the file of the learned Special Judge, Special Court for POCSO Act Cases, Sivagangai, Sivagangai District and quash the same in respect of the petitioner.

For Petitioner
For Respondents

:Mr.S.Balaji
:Mr.R.M.Anbunithi
Additional Public Prosecutor for R.1
Mr.S.Thinakaran for R.2

Crl.O.P(MD)No.6800 of 2022:

Manikandan

... Petitioner/Accused No.1

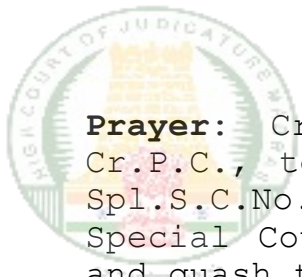
Vs.

1.The State represented by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.32 of 2017)

... 1st Respondent/Complainant

2.P.Murugan

... 2nd Respondent/
Defacto Complainant



Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in Spl.S.C.No.32 of 2018 on the file of the learned Special Judge, Special Court for POCSO Act Cases, Sivagangai, Sivagangai District and quash the same.

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For Petitioner : Mr.S.Balaji
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
for R.1
: Mr.S.Thinakaran for R.2

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in Spl.S.C.Nos.31 & 32 of 2018 on the file of the learned Special Judge, Special Court for POCSO Act Cases, Sivagangai, Sivagangai District.

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 has been signed by the petitioner and the victim and also by their respective counsel. The parties were present before this Court and they were identified by their respective counsels.

4. Under such circumstances, no useful purpose will be served in keeping the Spl.S.C.Nos.31 & 32 of 2018 on the file of the learned Special Judge, Special Court for POCSO Act Cases, Sivagangai, Sivagangai District, 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the charge sheet in Spl.S.C.Nos.31 & 32 of 2018 on the file of the learned Special Judge, Special Court for POCSO Act Cases, Sivagangai, Sivagangai District.

5.These Criminal Original Petitions stands allowed and as a sequel, the proceedings in Spl.S.C.Nos.31 & 32 of 2018 on the file of the learned Special Judge, Special Court for POCSO Act Cases, Sivagangai, Sivagangai District, is quashed and the terms of Joint Memo of Compromise 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 to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) or before 27.04.2022 and produce the receipt before the concerned court, failing which the order shall stand



dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar ()

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

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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 Special Judge,
Special Court for POCSO Act Cases,
Sivagangai,
Sivagangai District.
- 2.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Joint Secretary to Government,
Chief Minister Public Relief Fund,
Secretariat, Chennai-9

+1 CC to M/s.S. BALAJI, Advocate (SR-17991[F] dated 12/04/2022)

Crl.O.P(MD)Nos.6798 & 6800 of 2022
11.04.2022

KB(19.04.2022) 3P 6C