



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.7136 of 2022

1. Natarajan
2. Murugan
3. Madhavan
4. Essakkimuthu
5. Balaji

...Petitioners/Accused Nos.1 to 5

Vs.

- 1.The State rep. by
The Inspector of Police,
Ambasamudram Police Station
Tirunelveli District

... 1st Respondent / Complainant

2. Ayyammal
3. XXXX

... 2nd Respondent / Defacto complainant
... 3rd Respondent/victim

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the charge sheet in Spl C.C.No.29 of 2021 on the file of the Special Court for the trial of POCSO Act Cases, Tirunelveli and quash the same.

For Petitioners : Mr.T.Lenin Kumar

For Respondent : Mr.K.Sanjai Gandhi
No.1 Government Advocate (Crl.Side)

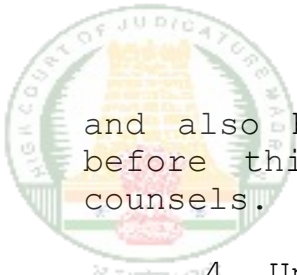
For Respondent : Mr.D.Venkatesh
No.2

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl C.C.No.29 of 2021 on the file of the Special Court for the trial of POCSO Act Cases, Tirunelveli .

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 petitioners and the second respondent



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 C.C.No.29 of 2021 on the file of the Special Court for the trial of POCSO Act Cases, Tirunelveli, 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 C.C.No.29 of 2021.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl C.C.No.29 of 2021 on the file of the Special Court for the trial of POCSO Act Cases, Tirunelveli, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners 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). Further the first petitioner is also directed to register the marriage with the victim girl on or before 23.05.2022 and produce the Marriage Registration Certificate and the receipt of payment of costs before the concerned court on or before 23.05.2022, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of Joint Compromise memo.

aav

To

1. The Special Court for the trial of POCSO Act Cases, Tirunelveli
2. The Inspector of Police,
Ambasamudram Police Station
Tirunelveli District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



Copy to

The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-21347[F] dated 26/04/2022
)

Cr1.O.P.(MD) No.7136 of 2022
25.04.2022

KG(CO)
TR(27.04.2022) 3P 6C