



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.8088 of 2022

Maria Ajai

... Petitioner/Sole Accused

Vs.

1.State through

The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

(In Cr.No.494 of 2017)

...1st Respondent/Complainant

2.Mary Jasmine

... 2nd Respondent/Defacto Complainant

3.Bibisha @ Vibisha

...3rd Respondent/Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned charge sheet in Spl.S.C.No.44 of 2019 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District and quash the same.

For Petitioner : Mr.G.Aravinthan

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl.side)

For R2 - R3 : Mr.K.Sivabalan

ORDER

This Criminal Original Petition has been filed to quash the proceedings as against the petitioner in Spl.S.C.No.44 of 2019 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari 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 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.44 of 2019 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.44 of 2019 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District, 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 credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 08.05.2022 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(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Encl.: xerox copy 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 Special Court for POCSO Act Cases, Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.



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

WEB COPY

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.G.ARAVINTHAN, Advocate (SR-22265[F] dated 28/04/2022)

Crl.O.P(MD)No.8088 of 2022
28.04.2022

srr(CO)
TR(02.05.2022) 3P 6C