



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.8304 of 2022

Mohamathu Makthum

... Petitioner/Sole Accused

Vs.

1.The State Rep. by
The Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District
(Cr.No.07 of 2020)

...1st Respondent/Complainant

2.xxxxxx

xxxxxx

xxxxxx

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating in Spl.C.C.No.94 of 2020 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, quash the same.

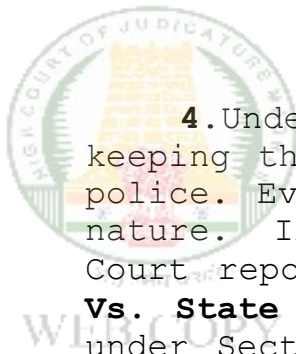
For Petitioner : Mr.V.M.Jegadeeshpandian
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings as against the petitioner in Spl.C.C.No.94 of 2020 on the file of the Special Court for the Exclusive 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 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.C.C.No.94 of 2020 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.C.No.94 of 2020 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, 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 05.05.2022 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-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

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.

ENCL:Xerox Copy of Joint Compromise Memo

To

- 1.The Judge,
The Special Court for the Exclusive Trial of POCSO Act Cases,
Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District

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



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

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009.

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-22684[F]
dated 29/04/2022)

CrI.O.P (MD)No.8304 of 2022
28.04.2022

kmv (CO)
GC (29.04.2022) 3P 6C