



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.8404 of 2022

- 1.Kavitha
- 2.Sridhar
- 3.Mathiyalagan
- 4.Kalarani
- 5.Prabakaran

... Petitioners/Accused No.1 to 5

Vs.

- 1.The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
(In Cr.No.13 of 2019)

...1st Respondent/ Complainant

- 2.Suganthavalli
- 3.xxxxxxx

...2nd Respondent/Defacto Complainant
...3rd Respondent/Victim

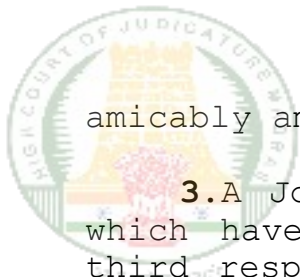
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Spl.S.C.No.40 of 2020 on the file of the Sessions Judge, Special Court under POCSO Act, Thanjavur, Thanjavur District and quash the charge sheet as against the petitioners herein.

For Petitioners : Mr.C.Suresh Kannan
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
For R3 : Mr.B.Deepak

ORDER

This Criminal Original Petition has been filed to quash the proceedings as against the petitioners Spl.S.C.No.40 of 2020 on the file of the Sessions Judge, Special Court under POCSO Act, Thanjavur, Thanjavur 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 petitioners and the father of the third 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.S.C.No.40 of 2020 on the file of the Sessions Judge, Special Court under POCSO Act, Thanjavur, Thanjavur 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the charge sheet in Spl.S.C.No.40 of 2020 on the file of the Sessions Judge, Special Court under POCSO Act, Thanjavur, Thanjavur District.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.40 of 2020 on the file of the Sessions Judge, Special Court under POCSO Act, Thanjavur, Thanjavur District, 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 credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 19.05.2022 and produce the receipt before the concerned court and the fifth petitioner shall register the marriage with the victim girl, after attaining the age of majority and produce their marriage registration certificate before the trial Court, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (CO)

// True Copy //

12/05/2022

Sub Assistant Registrar(CS)

vsg

Notes: 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 Sessions Judge,
Special Court under POCSO Act,
Thanjavur District.
- 2.The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
3. The Joint Secretary to Government,
Chief Minister Public Relief Fund,
Secretariat, Chennai-9
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-22774[F] dated
29/04/2022)

CrI.O.P(MD)No.8404 of 2022
29/04/2022

SJ(CO)
KB(12.05.2022) 3P 6C