



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.9976 of 2022

WEB COPY

1. Thamilvanan
2. Mathivanan
3. Ananth

... Petitioners/Accused No.1 to 3
Vs

- 1.The State Represented by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
Crime No.41 of 2013

... 1st respondent/Complainant

2. Chinnadurai

... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the charge Sheet in Spl.S.C.No.205 of 2019 on the file of the Special Court for POCSO Act Cases, Thoothukudi and to quash the same.

For Petitioners : Mr.M.Murugesan

For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking to quash the charge Sheet in Spl.S.C.No.205 of 2019 on the file of the Special Court for POCSO Act Cases, Thoothukudi.

2. The case of the prosecution is that the victim stayed in the house of the defacto complainant, who is none other than elder father of the victim. On 12.02.2013, the accused came to the defacto complainant's house in Indica Car and kidnapped the victim namely Kalaivani aged about 16 years. Hence, the defacto complainant lodged a complaint before the first respondent police and the same was registered in Crime No.41 of 2013 against the accused for the offence under Section 366 (A) of IPC r/w.6 and 5 (1) of POCSO Act r/w.109 of IPC. Hence this petition.

3. The victim Kalaivani was married to one Selvakumar. The first accused was in love with the said Kalaivani. Hence, all the three accused taken the victim and the first accused sexually



assaulted her. Therefore, the accused were prosecuted. Now, the parties compromised themselves and the victim married some other person and living happily.

4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners, victim girl and the second respondent were also present in person before this Court and they were identified by the learned Government Advocate (Crl.Side) and Mr.C.Johnson, Inspector of Police, Sathankulam Police Station, Thoothukudi District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.In the instant case, the dispute is personal in nature and the parties had compromised. When the parties have compromised the matter, the High Court has power to quash the proceedings in Spl. S.C.No.205 of 2019 on the file of the Special Court for POCSO Act Cases, Thoothukudi.

7.The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.205 of 2019 pending before the Special Court for POCSO Act Cases, Thoothukudi, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.205 of 2019 on the file of the Special Court for POCSO Act Cases, Thoothukudi, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar ()

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ebsi

Enclosed herewith Copy of the Joint Compromise Memo

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



To

1. The Judge, Special Court for POCSO Act Cases,
Thoothukudi.

2. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

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

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_RD(01.07.2022) 3P 4C