



CrI.O.P.(MD) No.12513 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Kumar,

: Petitioner

Vs

1. The State represented by
The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti, Madurai District.
(Crime No.160/2016)

2. Palanisamy,

3. Geetha,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Spl.S.C.No.123 of 2018 in Crime No. 160 of 2016, on the file of the Spl.Court for Exclusive Trial of Cases Under POCSO Act, Madurai and quash the same.



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For petitioner : M/s.Muniyandi S,
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For R2 : Mr.M.Muthukumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.S.C.No.123 of 2018 pending on the file of the Special Court for Exclusive Trial of Cases Under POCSO Act, Madurai, for the offences punishable under Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 366(A) IPC, in Crime No. 160 of 2016.

2.The case of the prosecution is that the petitioner and the third respondent herein are lovers. On knowing this, the second respondent tried to conduct marriage for her daughter i.e., third respondent. Therefore, the third respondent went along with the petitioner and the petitioner had committed intercourse with her. Hence the complaint. After investigation, the respondent police filed charge sheet in



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Spl.S.C.No.123 of 2018 pending on the file of the Special Court for Exclusive Trial of Cases Under POCSO Act, Madurai.

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

4. 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. The petitioner and the second and third respondents were also present in person before this Court and they were identified by Mr.Ravi, SSI of Police, Usilampatti Taluk Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the



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matter, the High Court has to power to quash the complaint for the offence under Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 366(A) IPC.

6. 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.

7. 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.123 of 2018 pending on the file of the Special Court for Exclusive Trial of Cases Under POCSO Act, Madurai, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.123 of 2018 pending on the file of the Special Court for Exclusive Trial of Cases Under POCSO Act,



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Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

18.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr

To

1.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti, Madurai District.

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



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V.SIVAGNANAM, J.

lr

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